THE

Parliamentary Regifter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The moft interefting SPEECHES and MOTIONS, accurate Copies of the moft remarkable LETTERS and PAPERS, of the moft material EVIDENCE, PETITIONS, &c laid before and offered to the HOUSE,

DURING THE

FIRST SESSION of the SIXTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XV.

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CONTENTS

TO

VOLUME THE FIFTEENTH.

HOUSE OF COMMONS.

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C O N T E N T S.

THE

THE

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE of COMMONS,

In the FIRST SESSION of the

Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.

May 18.

THE Commons assembled agreeable to the return of the writs, and a number of members being sworn by the Lord Steward, they attended His Majesty at the bar of the House of Peers, where the Lord Chancellor addressed the Clerk in the usual terms *— That His Majesty declined declaring the causes of calling this Parliament until there should be a Speaker of the House of Commons—and therefore directing them to chuse a fit person to be their Speaker, and present such person the next day.

The members being returned to their own House, and the pleasure of His Majesty being signified by Mr Hatsell,

Marquis of Graham — The *Marquis of Graham* moved "That the right honourable Charles Wolfran Cornwall be called to the chair." This was seconded by Sir George Howard.

Mr. Fox — Mr. *Fox* highly approved of the motion for re-seating the late Speaker. He rose only for the purpose of taking notice

* For the detail of the business of electing a Speaker, vide this work, vol. I. for the year 1780.

of the criminal and unwarrantable conduct of the High Bailiff of Westminster, who had not obeyed the precept, and had made no return whatever, or what was at least equal to no return*. Mr. Fox spoke of the conduct of the High Bailiff in terms of great indignation, and gave notice to the House

* The election for the city of Westminster continued till the 17th, the day before the return of the writ. The High Bailiff made the following return:

"Thomas Corbett, Bailiff of the liberty of the Dean and Chapter of the collegiate church of St. Peter, at Westminster, in the county of Middlesex, doth hereby certify unto the Sheriff of the said county of Middlesex, that by virtue of a certain precept, dated the 16th day of March last, and on the same day delivered to him the said Bailiff, by the said Sheriff, for the election of two Citizens to serve in the ensuing Parliament for the city of Westminster, and by virtue of the writ therein recited (proclamation of the premises in the said precept first mentioned, of the day and place, as in the said precept is directed, first being made), he the said Bailiff did proceed to the election of two Citizens to serve in the ensuing Parliament for the said city of Westminster, on the 1st day of April now last past, on which day appeared and were put in nomination the three candidates herein after mentioned, and a poll being demanded, he the said Bailiff did forthwith proceed to take the said poll, and continued to take the same day by day, during six hours each day, viz. from nine in the forenoon to three in the afternoon, until the day of the date of these presents inclusive, on which day the said poll was finally closed, when the numbers on the said poll for the said candidates stood as follow, viz.

For the Right Hon. Sir Samuel Hood, Baronet, Baron Hood of the kingdom of Ireland, — —	6694
For the Right Hon. Charles-James Fox, — — —	6233
For Sir Cecil Wray, Baronet, -	5998

The said Bailiff farther sets forth, That on the said final close of the poll, a scrutiny was duly demanded in behalf of Sir Cecil Wray: which scrutiny the said Bailiff has granted for the purpose of investigating the legality of the votes more acurately than could be done on the said poll: and the said scrutiny, so granted, is now pending and undetermined, and by reason of the premises, the said Bailiff humbly conceives he cannot make any other return to the said Precept than as herein before is contained, until the said scrutiny shall be determined, which he fully intends to proceed upon with all practicable dispatch.—In witness whereof, he, the said Thomas Corbett, Bailiff of the said liberty, hath hereunto set his hand and seal, the 17th day of May, in the year of our Lord, 1784.

THO. CORBETT, Bailiff."

that

that this return must be inquired into before they could, with decency, proceed to any other business. It was the most attentive concern of the House to take care that the representation of the people was compleat; and this breach of privilege struck at the root of representation. If the Bailiff of Rye had acted like the Bailiff of Westminster, they would not have had the most proper person that day to call to the chair. He stated the point in a variety of strong lights, and gave notice that he should call the attention of the House to it, as soon as it was possible for them, by their rules, to proceed to business.

The Chancellor of the Exchequer.

The *Chancellor of the Exchequer* said, that when the proper time came for the discussion of the point, he had no doubt but gentlemen would treat it with the attention which it deserved — in the mean time he trusted that the harsh epithets of the right honourable gentleman would not have any influence on the House, nor prejudice them against the object of them.

The question was carried unanimously, and Mr. Cornwall was placed in the chair.

May 19.

The Commons attended His Majesty at the bar of the House of Peers; and the Speaker being approved of, he humbly claimed for the House their ancient privileges; and this ceremony over, His Majesty opened the session with the following most gracious speech from the throne:

" *My Lords and Gentlemen,*

" I have the greatest satisfaction in meeting you in Par-
" liament at this time, after recurring, in so important a
" moment, to the sense of my people. I have a just and con-
" fident reliance, that you are animated with the same sen-
" timents of loyalty, and the same attachment to our ex-
" cellent constitution, which I have had the happiness to
" see so fully manifested in every part of the kingdom.
" The happy effects of such a disposition will, I doubt not,
" appear in the temper and wisdom of your deliberations,
" and in the dispatch of the important objects of public
" business which demand your attention. It will afford
" me peculiar pleasure to find, that the exercise of the
" power entrusted to me by the Constitution, has
" been productive of consequences so beneficial to my

" subjects, whose interests and welfare are always nearest
" my heart.

" *Gentlemen of the House of Commons,*

" I have ordered the estimates for the current year to " be laid before you; and I trust to your zeal and affec- " tion to make such provisions for their farther supply, " and for the application of the sums granted in the last " Parliament, as may appear to be necessary.

" I sincerely lament every addition to the burthens " of my people; but they will, I am persuaded, feel the " necessity, after a long and expensive war, of effectually " providing for the maintenance of the national faith and " our public credit, so essential to the power and prospe- " rity of the State.

" *My Lords and Gentlemen,*

" The alarming progress of frauds in the revenue, ac- " companied in so many instances with violence, will not " fail on every account to excite your attention. I must, " at the same time, recommend to your most serious " consideration, to frame such commercial regulations as " may appear immediately necessary in the present mo- " ment. The affairs of the East-India Company form an " object of deliberation deeply connected with the gene- " ral interests of the country. While you feel a just " anxiety to provide for the good government of our pos- " sessions in that part of the world, you will, I trust, ne- " ver lose sight of the effect which any measure to be " adopted for that purpose may have on our own Consti- " tution, and our dearest interests at home. You will " find me always desirous to concur with you in such mea- " sures as may be of lasting benefit to my people: I have " no wish but to consult their prosperity, by a constant " attention to every object of national concern, by a uni- " form adherence to the true principles of our free Con- " stitution, and by supporting and maintaining, in their " just balance, the rights and privileges of every branch " of the Legislature."

The Commons then returned to their own House, and the Speaker from the chair addressed them in a short speech of thanks for the honour they had done him. After which they proceeded to the swearing in of members, which was their only employment for several days.

May 24.

The swearing in of members, and the revival of the standing orders of the House, took up till near five o'clock.

Mr. *Lee* then rose to bring under the consideration of the House, the return that had been made by the High Bailiff of Westminster to the *præcipe* of the Sheriff of Middlesex, for electing two citizens to serve in Parliament. The conduct of that officer appeared to him to be such, that he held himself warranted, as a lawyer, in saying that it was illegal, contrary to his known duty, and to the express and positive law of the land. He hoped that if he was right in all these positions, or in any one of them, the House would readily agree to the motion which he intended to make before he should sit down. But as the regular way to bring the business before the House, he moved that the return, which was to be the subject of his motion, might be read. The Clerk accordingly read it. As soon as the return was read, Mr. Lee proceeded. He said that if there was one principle in parliamentary law more clear, or more indisputable than another, it was this — that a writ ought to be returned on the day on which in the writ itself it is made returnable. This position appeared so evident from the words of the 10th and 11th of King William III. that when he first heard of the return that had been just read, he firmly believed the measure must have been advised by persons who either did not know that such an act was in existence, or who had suffered it entirely to escape their memory. To convince the House that he was well founded in this, he needed only to read the particular part of the act to which he alluded, chap. 7. The words are, "For preventing abuses in the returns of writs of summons for the calling and assembling of any Parliament for the future, or writs for the choice of any new member to serve in Parliament; and to the end such writs may, by the proper officer or his deputy, be duly returned and delivered to the Clerk of the Crown, to be by him filed, according to the ancient and legal course: Be it enacted by the King's most excellent Majesty, &c. that the Sheriff, or other officer, having the execution or return of any such writ, which shall be issued for the future, shall, on or before the day that any future Parliament shall be called to meet, (and with all convenient expedition, not exceeding fourteen days, after any election made by virtue of any new writ) either

Mr. Lee.

in person, or by his deputy, make return of the same to the Clerk of the Crown in the High Court of Chancery, to be by him filed," &c. After he had read the words of the statute, he asked the House whether any candid and impartial man could lay his hand upon his breast and say, that the High Bailiff had complied with the positive injunction of this act? Had he returned the writ or præcipe? Had he made any return? He contended, and on this he was ready to stake his character as a lawyer, that the return which had been just read was no return at all within the statute that he had quoted; and on this head the statute should speak for itself, and prove, that within the purvieu of the act, the return enjoined by it was a return of members; for immediately after the passage quoted by him from the statute, follow these words — "and the Sheriff or other "person making such return, shall pay to the said Clerk of "the Crown, the ancient and lawful fees of four shillings, "and no more, for every knight of the shire; and two shil-"lings, and no more, for every citizen, burgess, or baron "of the Cinque Ports, returned into the said Court, to be by "him filed." From this act then it appeared most evident, that the writs for calling a new Parliament ought, by law, to be returned on or before the day on which the Parliament is to meet: that on that day the members for election, of whom the writs are issued, ought to be returned; and that the returning officer could not, without a manifest violation of law, refuse to make a return of such members. As to the fourteen days mentioned in the act, they were allowed only after elections, for filling up vacancies during a Parliament; and therefore did not apply to the present case, which related to a new Parliament. This, then, being the case, he was founded in saying, that the High Bailiff of Westminster had acted contrary to law; and consequently contrary to his duty. That he knew it was his duty to make a return on or before the day of the meeting of the Parliament, was pretty obvious from this circumstance, that of his own authority he closed the poll, on the 17th inst. the day before the present Parliament met. Now what was the justification of his conduct that the High Bailiff had set up? It was simply this—that a scrutiny had been demanded, which he had thought proper to grant. This, surely, at best, would have been but a lame excuse; but it had not even the shadow of an excuse in the present case, because the scrutiny was granted at a time when by

law

law it ought to have been refused; because the law had rendered the business of a scrutiny impossible, as it could not, in the present case, take place at all, the period for carrying on a poll, of which a scrutiny is only a continuation, elapsing on the very day when the scrutiny was demanded. For his part, he would very freely confess, that he was an enemy to scrutinies, and so had the House of Commons ever been, and for this plain reason; that the returning officers who carry them on, have not the necessary powers to carry them on with any effect:—They cannot issue any summons to compel the attendance of witnesses, and they have not the power of tendering an oath to such as may voluntarily attend the tribunal. He did not mean, however, to say, that it was illegal to grant a scrutiny; he was, on the contrary, ready to admit the legality of a scrutiny, provided it was concluded before the day on which the writs are returnable; but beyond that day he would not admit it to be legal. Enemy as he was in general to a scrutiny, he would not say, that, within the verge of possibility a case might not arise, in which it might be proper to grant one; but this much he would say, that in the whole course of his experience (which, by the bye, lay very much in questions of elections) he never met a case in which it would not have been infinitely more proper to refuse than grant a scrutiny; and he called upon any professional gentlemen on the other side of the House, who were conversant in those matters, whether the general sense of Parliament and of Select Committees did not go with him in this assertion? By the expressed sense of Parliament, and the opinions of the ablest men, he was ready to try the merits of the species of return which had been made by Thomas Corbett. It was the opinion of that great lawyer, the late Mr. Chancellor Yorke, that the numbers on the poll were absolutely binding upon the returning officer; and the reason of this opinion was obvious; it was, that the returning officer ought not to suffer the name of a person not duly qualified to vote, to be upon the poll; but its being once admitted, it was conclusive against the returning officer, who could not afterwards object to it, without impliedly admitting that he had been remiss in his duty in suffering any one to vote who was not legally qualified. The poll then was to be the returning officer's guide, and as he ought not to admit improper persons to vote, so he ought not himself to arraign his own poll,

and suppose that persons not duly qualified had been by him permitted to vote. He did not mean in the present stage of the business to move for the punishment of the High Bailiff; his only object for this day, was, to propose to the House to resolve, what he ought to have done; and yet if he were to go the full length this day, of moving that he should be taken into custody, the precedents of the House would bear him out in making such a motion, for on a similar occasion the Sheriffs and other returning officers, as had been the case in 1702, in the Cumberland election, had been attached without any previous step, and simply on the ground, that the King having commanded them to return members to serve in Parliament, and an express statute enjoining them to return them on or or before a particular day, the omission of a return of members on that day, was in itself a palpable violation of an act of Parliament. Nay, so jealous had former Houses of Commons been of their privileges, that when all their members were not returned, they not only imprisoned those who omitted to make the returns, but they frequently refused to proceed to business till all the returns were made, and the number of members completed:—And indeed he was not surprised that they should be so jealous on this head, for if scrutinies were to be permitted after the day on which the writs are made returnable, not only the House and Select Committees under Mr. Grenville's act would be robbed of their jurisdiction, which by law belongs to them, but the returning officers would have it in their power to keep whom they pleased out of Parliament. This was the case at present with Lord Hood, against whose majority nothing had been alledged by any one, and yet the noble Lord was to be deprived of his seat, and the electors of Westminster of their representative, for the Lord knew how long, because it had pleased Mr. Corbett to transgress an act of Parliament. This was no question of party; he declared upon his honour and upon his conscience, that if Lord Hood alone were interested in the event of this question, he would make the motion that he was now going to submit to the House; because he thought that the rights and privileges of the Commons had been invaded; and that it was the duty of every honest member to maintain those privileges, upon which depends the very existence of the Constitution. He then moved, "That Thomas Corbett, Bailiff of the liberty

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of the Dean and Chapter of the collegiate church of St. Peter, at Westminster, whose duty it was to execute the precept directed to him by the Sheriff of Middlesex, for the election of two citizens to serve in the present Parliament for the city of Westminster, and to return the same to the Sheriff on or before the 18th day of May inst. being the day on which the present Parliament was appointed to be holden, having proceeded to take, and having finally closed the poll before the said 18th day of May, ought to have returned two citizens to serve in Parliament for the said city."

Mr. Sheridan seconded the motion *pro forma*.

The *Master of the Rolls* (Sir L. Kenyon) rose next. He said that nothing had ever surprized him more than the conduct of his learned friend, who ought to be so strict an observer of those principles laid down by law and reason, without which justice could not be administered between man and man: the great principle to which he principally alluded and which his learned friend seemed to have totally forgotten, or overlooked on the present occasion, was that which bound a judge not to condemn on partial evidence; and not to punish any man without having first given him a hearing; *audi alteram partem* was an eternal and immutable law of justice, by which every tribunal was bound. But it was not a little singular, that while his learned friend was condemning a returning officer for what he called a breach of law, he himself was endeavouring to persuade the House to violate the most obvious rule of law, justice, and equity; for he was calling for censure and for punishment on the High Bailiff, without giving that gentleman an opportunity to defend himself. If upon hearing, that returning officer should be found to have transgressed the law, it would be proper that he should be punished; but as guilt must ever precede punishment, so enquiry should precede conviction. Was the House in possession of the reasons that induced the High Bailiff to grant a scrutiny, and to make that kind of return which had been read at the table? If those reasons were as yet unknown to the House, would it not be premature, would it not be a perversion of the laws of justice, to condemn the man unheard, untried? The learned gentleman knew very well, that the right of demanding a scrutiny was a common law right; and the act for regulating the elections in the city of London, recognized this right, when it said that "if a scrutiny

The Master of the Rolls

"is legally demanded," &c. If, then, it was legal to demand it, it must be legal to grant it. The learned gentleman insisted that the writ being returnable at a particular day, the power of the officer who acted under it, expired on that day; and that he could not legally act under it after that day, and consequently that he ought not to have granted a scrutiny, because, said the learned gentleman, after the return day he could not legally carry it on. The learned gentleman ought to know that there were other courts out of which the writs issued, as well as out of Chancery; and that when a Sheriff gave a sufficient reason for not having executed a writ, the courts would excuse him, and enlarge the term. For instance, when a *fieri facias* was issued to a Sheriff, and in consequence of it he seized the defendant's goods; if he had not had time to sell them before the day on which the writ was returnable, he stated the special matter in his return, and the Court then gave him a longer term. Or supposing he should make this return, which would be more apposite to the present case; that having been directed to sell the goods of A, and having taken possession of goods which he supposed to belong to A, they had been claimed by B, as his property; that doubting therefore to whom they really belonged, he had not sold them, but had instituted an enquiry, and was going to hold a court *de proprietate probanda*, and that he would cause the goods to be sold, if he should find that they were the property of A. In this case, he said, the court would of course renew the writ, and order him to proceed. To this case was perfectly analogous that of the late election for Westminster; and this House would, he hoped, do what the courts below would certainly order on a similar occasion. As to Mr. Corbett, he was totally unacquainted with him; but he heard he was a gentleman far advanced in years, of very good character, and large fortune, and that he was an impartial officer, unconnected with any party; he hoped, therefore, that the House would, with respect to him, rigidly adhere to that principle of law and justice, which forbid the condemnation of any man unheard. Trusting, therefore, that the House would not shut their ears to the good old maxim, *audi alteram partem*, he intended to move the previous question, in order that a motion might afterwards be made for ordering the attendance of the High Bailiff at the bar of the House, to answer for his conduct. He accordingly moved the previous question.

Lord

Lord *Mahon* then rose to second the motion for the previous question. He began by observing that the learned gentleman (Mr. Lee) had, in a very laboured speech, laid down a great deal of law on the subject of elections, but that the learned gentleman, for reasons best known to himself, had neglected to give to the House any information that was applicable to the case of the late Westminster election. The learned gentleman has, says the noble Lord, informed the House, that, on a scrutiny, the High Bailiff of Westminster had no authority by law to administer an oath to any person to be examined as an evidence, and therefore the scrutiny had been lawfully demanded and granted—he objects to its being permitted to go on; but it would have been kind in the learned gentleman, if he had imparted rather more of his legal knowledge to the House, by informing this assembly, of what is equally unquestionably true, namely, that it is not in the power of the High Bailiff to administer such an oath even during the poll. Yet, the learned gentleman must acknowledge, that the law makes the High Bailiff a judicial officer during the poll. He has, then, no reason to object to his acting in the same capacity with the same powers during the poll. Ld. Mahon

The learned gentleman has said much about oaths, with which he appears to be pretty conversant; it would have been as well, if he had had the goodness to inform the House, that the returning officer by law is obliged to take an oath, previous to his acting in that capacity; that oath is to be found in the statute of the 2d Geo. II. chap. 24, sec. 3, and it contains these words, viz.

"I will return such person or persons, as shall, to the "best of my judgement, appear to me to have the majority "of legal votes."

It is evident, from the nature of this oath, that the returning officer is by law not only a ministerial, but a judicial officer. He is ordered to form a judgement before he makes his return. The law which enacts, that any man is to judge, does, of course, enact, that he is first to hear the cause on which he is to decide. If he is to hear the cause, he must evidently take such time as shall be absolutely necessary for him to hear it.

Between 12 and 13,000 persons have polled at the late Westminster election. The returning officer had it not in his power to examine the validity of all these votes during the poll; therefore he takes a longer time to hear the cause;

cause; that is to say, he grants a scrutiny. Upon what, in his judicial capacity, is he to form a judgement? Upon the majority of legal votes. He is now going upon that enquiry, agreeable to the solemn oath which he has taken—After he has heard the cause and formed a judgement, what is he to do next? Read the oath, and it will appear, that he is then, and not before, to make his return of the person or persons who shall appear to him to have the majority of legal votes. Nothing, therefore, can be more clear, than that the returning officer, having taken that oath, did right to grant a scrutiny, if legally and duly demanded, provided that he had it not in his power to have scrutinized all the votes during the poll; and provided he had good reason to doubt (after the poll was concluded) whether both or either of the persons who had the apparent majority on the poll, had the real majority of legal votes.

The learned gentleman has not chosen to put his law in jeopardy in this House, by maintaining the very singular argument, which the newspapers inform us was made use of out of this House; not by a learned, but by an ingenious and right honourable gentleman (Mr. Fox) who was pleased to say, that the High Bailiff could not proceed in this scrutiny; because, from the moment that the writ became returnable, the High Bailiff was *functus officio*, and was as little capable, in law, of going on with the scrutiny, or of making a return for Westminster, as if he were merely the High Bailiff of any other city, or as if he were the Sheriff of Cumberland.

On the day the writ became returnable, the returning officer for Westminster could form no judgement who had the majority of legal votes. He then determined to take the necessary time to hear the evidence, on which he was to form his judgement. He has the power, (nay, it is his duty as returning officer) after having formed his judgement, to make, agreeably to his oath, a return of members. He is, therefore, clearly not *functus officio*, but is bound to make a return, which return must evidently follow, and not precede his forming a judgement upon the question of the majority of legal votes. If he be not *functus officio*, when he makes the return, it is evident that he cannot be *functus officio* at any anterior period; that is, he is not *functus officio*, as it has been asserted, during the scrutiny. This idle idea of the returning officer being *functus officio*, pending

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ing the ſcrutiny, is too abſurd almoſt to deſerve an anſwer.

The learned gentleman has quoted to the Houſe, as an unanſwerable proof of the delinquency of the High Bailiff, the ſtatute of the 10th and 11th of William III. chap. 7. ſec. 1. It is not a little ſingular, that any man, calling himſelf a lawyer, ſhould quote that ſtatute for that purpoſe.

Lord Mahon then moved, "That the Clerk do read this ſtatute;" which being done, his Lordſhip ſaid, he had no doubt in his own mind what was the proper conſtruction of that ſtatute.

In the firſt place, he would be bold to maintain, that that law related to writs, and to writs only, and had nothing whatſoever to do with precepts; and gentlemen well knew, that a writ had been iſſued from the Clerk of the Crown, to the Sheriff of the county of Middleſex, and that the Sheriff of Middleſex did then deliver, not a writ, but a precept, to the High Bailiff of the city of Weſtminſter.

It is evident from a variety of circumſtances, that that ſtatute does not relate to precepts.

The act never mentions the word precept. The penalty of 500l. that it inflicts, is relative to the return of writs; and as it is a penal ſtatute, it muſt be conſtrued literally, and not otherwiſe.

The reaſon why it alludes to writs only, will appear evident, from an attentive examination of the principle of the law of elections, as contained in the ſtatutes of the 5th of Richard II. chap. 4. of the 7th of Henry IV. chap. 15. of the 11th of Henry IV. chap. 1. of the 23d of Henry VI. chap. 14. and of the 7th and 8th of William III. chap. 7.

That this ſtatute of the 10th and 11th of William III. does not allude to precepts, but to writs only, is farther evident, from this conſideration; that it is enacted therein, that "the Sheriff (or other officer) making ſuch return, "ſhall pay to the Clerk of the Crown, the ancient and "lawful fees of four ſhillings," &c. Now it is evident, that the High Bailiff of Weſtminſter has no fees to pay to the Clerk of the Crown; and therefore this act of Parliament does not relate to his precept, but ſolely to writs. The other words of the act make it equally clear.

Some other learned gentlemen may perhaps think fit to argue, that the said ftatute is not confined to writs, becaufe it fpeaks of "the Sheriff, or other officer, having the execution and return of any fuch writ." But the fecond fection of the ftatute clearly explains who is meant by that other officer, namely, the proper officer of the Cinque Ports, to whom an additional time is allowed to iffue the precepts therein mentioned, and who has the return of a writ, as well as the Sheriff of a county.

But let it be fuppofed for a moment, folely for the fake of argument, that that act of Parliament does extend to the return of precepts as well as to the return of writs. Then it will be anfwered by the High Bailiff, that a return has been made in due time, viz. a fpecial return: therefore the High Bailiff has complied with the direction of the law.

Lord Mahon then faid, he would demonftrate (even admitting that the ftatute of the 10th and 11th of William III. did fully extend to the cafe of the High Bailiff of Weftminfter) that the Houfe ought not to cenfure him, but ought to order him to proceed in his fcrutiny, provided the High Bailiff could fhew that he had granted it on good grounds.

The ftatute enacts, in the firft place, that, in the cafe of a general election, a return fhall be made to the Clerk of the Crown, "on or before the day that the Parliament "fhall be called to meet."

It enacts, in the next place, that, in the cafe of "any "new writ," iffued in the middle of a Parliament, a return fhall be made to the Clerk of the Crown, "with all "convenient expedition, not exceeding fourteen days after "the election."

Lord Mahon then moved that the Clerk do read the proceedings of the Houfe in the famous cafe of the Weftminfter election, when Lord Trentham and Sir George Vandeput were the candidates, and which election was in confequence of a new writ in the middle of a Parliament. (See the Journals of the Houfe of Commons of the 22d and 23d days of February, 1749.)

On the 22d of February, "Notice is taken that no re-"turn had been made to the writ for the electing a citizen "to ferve in Parliament for the city of Weftminfter." Upon this the Houfe ordered the High Bailiff to attend.

The next day the High Bailiff did attend, and was examined.

Did

Did the Houfe commit him? No.—Did the Houfe order him to make a return before he had finifhed the fcrutiny which he had granted? No.—Did the Houfe cenfure him for having difobeyed the ftatute of the 10th and 11th of William III. by not having made a return within the firft fourteen days after the election? No.—"The Speaker "(by the direction of the Houfe) recommended to him "fome particulars of his duty; affured him that the "Houfe would fupport him in the difcharge thereof, and "recommended to him all poffible difpatch."

The Houfe ought, therefore, in the prefent inftance, not to prejudge the queftion. They ought to do, in this inftance, what the Houfe wifely did in the year 1749, viz. to order the High Bailiff to attend, and to hear him, before he is condemned. If the Houfe (after having examined the High Bailiff) fhould be of opinion, that he did right to grant a fcrutiny, they ought ftrictly to follow the excellent precedent in the cafe of Trentham, by ordering the High Bailiff "to take care to expedite the election as much as "poffible." [Mr. Fox cried out, *Hear! hear!*] "I now "find," fays Lord Mahon, "the manner in which the "right honourable gentleman, who cries hear, means to "argue this queftion. He means to admit, that the cafe "of the former Weftminfter election, would, in fubftance, "be fimilar to the prefent, if the ftatute of the 10th and "11th of William III. had enacted, in the cafe of a new "writ in the middle of a Parliament, that the return fhall "be made (not within fourteen days after the end of the "election, but) within fourteen days after the end of the "poll. The right honourable gentleman means to ground "his right to be returned, upon the diftinction between "the poll and the election. He means to argue, that the "return in the former Weftminfter election was right, "becaufe (though it were made months after the poll) it "was made previous to the 14th day after the election— "Why? Becaufe the right honourable gentleman means "to contend, that the fcrutiny was part of the election. "That the fcrutiny not being concluded, the election was "not concluded; and that therefore no return could be "made till the election was over."

[Mr. Fox cried out again, *Hear! hear!*] Lord Mahon faid, he was happy that Mr. Fox agreed to his way of ftating the argument. He could not, however, fufficiently admire the contradictions between Mr. Fox, and Mr. Fox's learned friend

friend (Mr. Lee) whose words he had just taken down in writing. Mr. Lee had laid it down as a principle, "that "the end of the *poll* was the end of the *election*." That was the law of the learned gentleman — But the law of the right honourable gentleman was; "that the end of the poll "was *not* the end of the election." The right honourable gentleman, having undertaken to defend a bad cause, had got into the most complete dilemma possible — For, if the statute of the 10th and 11th of William III. was not applicable to precepts, that statute had nothing to do with the Westminster election. If that statute was applicable to precepts, and that (according to the learned gentleman, Mr. Lee) the end of the poll was the end of the election; the precedent laid down by the House in the former Westminster election clearly proved, that Mr. Fox ought not to be returned, but that the scrutiny ought to be suffered to continue — If, on the contrary, the law of the right honourable gentleman (Mr. Fox) was right, namely, that when a scrutiny was granted, the end of the scrutiny, and not the end of the poll, was the end of the election; then, as the present scrutiny for Westminster is not over, the Westminster election is not yet over, and Mr. Fox cannot be returned as duly elected, until the election shall be over.

The right honourable gentleman has, however, the decency, the moderation, and the modesty, to demand of this House, that he, (Mr. Fox) should be seated for Westminster, though he himself contends, that, according to law, the election is *not* concluded, inasmuch as the scrutiny is not over.

Lord Mahon then entered into a variety of other arguments, by which he said he had completely refuted the principles laid down by the late Attorney General.

Ld. North. Lord *North* rose to oppose the motion for the previous question, which the noble Lord by mistake had called the order of the day, which was rather an unfortunate mistake on the first day of a session, when there could be no order of the day. He said, he must begin with disclaiming every idea of punishing any man untried or unheard: he would never violate the first principle of law and equity, that trial should precede conviction; and yet he would vote for the motion made by the learned gentleman, because he conceived it to be perfectly consistent with that principle: for what was the object of the motion? It was to ascertain and esta-

blish

blish a point of law, which, in his opinion, the House could with the greatest propriety agree to, without any other information than that which was already on the table. By law, writs for the election of members to serve in a new Parliament, were returnable on a particular day, specified in the writ: the High Bailiff had not made a return on that day, and assigned his reasons for not having obeyed the King's command and the law of the land. It was for the House to determine, whether these reasons were such as justified his conduct or not; and surely it would be no violation of the rule, *audi alteram partem*, for the House to take into their consideration those reasons which were before them; and to declare, whether they were, or were not, satisfactory.—This was no motion of censure; it was no motion for punishing, though he was ready to acknowledge, it might lead to that in the end. But if the House should hereafter go the length of ordering the High Bailiff into custody, then indeed, however strong appearances might be against him, he would not for one proceed one step farther, till the Bailiff should have been heard in his defence; then *punishment* would be the object of a motion; and consequently it ought to be preceded by trial: but, in the present stage of the business, there was no question of punishment; as far as was necessary for all the purposes of justice in this stage, the High Bailiff was virtually before the House; his reasons were on the table; and gentlemen were called upon simply to declare, whether these reasons were satisfactory or not. Now, with respect to the *law* of the question, the noble Lord had said, that the returning officer had acted legally, because the act of Parliament allowed for the return of writs fourteen days after the election. But the noble Lord had not rightly stated the case, for he had confounded two points, that differed *toto cælo* in their nature. The fourteen days mentioned by the noble Lord, were allowed after an election for filling up a vacancy that might happen during a Parliament; but writs for summoning a new Parliament, were always returnable on a particular day; and the reason of the difference was, that in one case a day was fixed for the sitting of the Parliament, which could not meet, if the elections were not all over; but in the other case, an infinite term was left for the election. He remembered the case of the great Oxfordshire contest, when a scrutiny was demanded, and granted by the Sheriff; but when the day for returning the writ arrived, he closed the

scrutiny, thinking himself bound, as in fact he was, to return his writ on the particular day specified in it. At the same time that he might not appear to act partially, he returned all three candidates. He admitted, that the returning officer taking an oath to make his return according to his judgement, time must be allowed him to form that judgement; but he himself ought not to expect that the House would let him take his own time: a conscientious returning officer might possibly, through delicacy of conscience, not be able to make up his mind, and form his judgement for six months or a year; and if half of the returning officers in Great Britain should happen to be as delicate in their conscience, possibly one half of the kingdom might remain unrepresented for a session, perhaps for a whole Parliament. Were gentlemen aware of the consequences that might ensue, if returning officers were to be allowed such a latitude of discretion, as might lay the Parliament and liberties of this country at their mercy? He did not deny the legality of a scrutiny, provided it terminated on or before the day on which the writ was returnable; but he confessed he was no friend to scrutinies, for those reasons which had been so ably stated by the learned gentleman who made the motion; and if he had no other objection to them, than that which was furnished by the late scrutiny for the city of London, which had been already mentioned; he had learnt enough from that, never to countenance a scrutiny again; for after the Sheriffs had sat eight or nine days, they had not been able to decide on many more votes than they had sat days; and therefore he wished to see the merits of the late election for Westminster, as well as of the elections for all other places, submitted to a Select Committee, a judicature trying upon oath, sitting and determining upon oath. This surely would be more just and more equitable, than to resort to a man, for whom the House had no right, from his late conduct, to have any very particular respect: for his part, though it was said that the Bailiff was an impartial man, and unconnected with party, he would never wish to refer a cause to his decision, when he could find a much more upright and impartial tribunal. He never would willingly refer to a man who had violated an act of Parliament, and acted in defiance of his duty; and therefore he would support the motion made by the learned gentleman.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* wished, that the debate on this business might not be run out to any great length; and he, for

for one, did not chuse to be instrumental in protracting it. There was something, however, so very curious in the argument used by the noble Lord who had last spoken, that he would just trouble the House with a very few words. The noble Lord affected to ridicule the reasoning and principles of his learned friend, (Sir L. Kenyon) which asserted the injustice of condemning any man unheard; and what was the noble Lord's argument? The motion before the House only went to oblige the returning officer to a different conduct. It did not directly criminate him for what he had done. It only asserted he should have done otherwise. It superseded his own judgement, where he had the power of judging, and without putting any opinion in the exertion of his own will, destroyed it by another. All this was surely implying no censure on the High Bailiff. He would beg leave, however, to put in his protest against this mode of arguing. The censure, in his opinion, was the more pointed, that it was conveyed with so much art. And he was the more willing to make this remark on the noble Lord's speech, as it would teach the House what they had to expect from the sort of reasoning which they would often hear from the same quarter. He was anxious to avoid the legality of the question before them. This had been pretty fully investigated by those who had already spoken on the subject. He would only observe, that nothing which he had yet heard brought any thing like conviction to his mind, that the High Bailiff had not on the present occasion done his duty. At all events, he thought it became the House to judge of the matter with leisure and deliberation. And this they certainly could not do till the returning officer was heard in his own defence. The House would then be in a capacity to pronounce on what he had done; but till then, their opinion, if not extremely partial, would at least appear premature.

Lord *North* rose in explanation, and asserted, that his argument had been at once misunderstood and misrepresented. Ld. North.

Mr. *Fox* said, that in the whole course of his life he never was witness to so gross a perversion of the meaning of the expression *audi alteram partem*, as the learned gentleman (the Master of the Rolls) had furnished him with this day. Who, in fact, was the party before the House? Who the party absent and unheard? The High Bailiff was, in fact and in truth, so far from being absent, the only Mr. Fox.

 party

party that was before the House; his conduct was avowed, and the reasons for that conduct were upon the table. He himself (Mr. Fox) was another party; but though he was actually present as member for another place, still he was virtually absent; and therefore if any one was unheard, it was himself. He little expected that a question of this kind would have been made a party question. He drew a good omen a few days ago from what a right honourable gentleman said, when he observed, that motions ought to be considered on their own intrinsic merit, and totally distinct from any consideration of the persons by whom made, or by whom supported: on this ground he expected this motion would have been debated. But good as was the omen he drew on Tuesday last, that which presented itself to him now, from the manner in which the motion made by his learned friend was received, was as bad. The case of the Sheriffs of Coventry, he contended, had nothing in common with the present; in the kind of return that they made to the House, they stated that they had been prevented by tumults and riots, from obeying the King's writ. The excuse turned upon a matter of fact: the allegation might be true; it might be false; and therefore enquiry was absolutely necessary: but, in the present case, the point for consideration was a point of law, not of fact; and therefore the House was competent to determine it at this moment, as well as after a month's enquiry: the question was, Whether a returning officer was, or was not, bound to return the member on the day on which the writ was returnable? and therefore there would be no injustice to the High Bailiff, if the House should proceed without any farther inquiry to determine that question. Nay, though it should determine it in the affirmative, it did not follow that such a determination would even imply a censure on him; nothing was more common than for Committees to order returns to be amended; and yet no one ever imagined that the returning officer was thereby censured by implication. It was the case in the great Oxfordshire contest, when the Sheriff returned the three Candidates. The House amended the return, but no one thought the Sheriff censured; on the contrary, his conduct was pronounced to be fair and impartial. It had been hinted, he said, that he would have demanded a scrutiny, if he had had the minority at the close of the poll; nay, that he had pledged himself to support a scrutiny. The truth was, he never pledged himself to support a

scrutiny;

ſcrutiny; but unqueſtionably he had pledged himſelf to inſtitute an inquiry before that tribunal, which, from its nature, was leaſt liable to partiality, and which was veſted by law with powers to procure evidence: before a Committee, under Mr. Grenville's act, he certainly meant to bring it, and there it ſhould be proſecuted, if he was permitted to appeal to it.—He was ready to admit, that if the poll had been cloſed earlier in the month than it was, he would have demanded a ſcrutiny, but without the moſt diſtant idea of bringing it to a concluſion before the High Bailiff; and that officer could tell from private converſation with him, that he had ſaid the ſame thing to him: but what would have begun in a ſcrutiny, ſhould have ended in an enquiry before a Select Committee of the Houſe of Commons. A ſcrutiny, under the preſent circumſtances, could anſwer no other end than that of trying the ſtrength of purſes: a very unequal conteſt indeed, when it was conſidered by whom his adverſary was ſupported.—It had been hinted alſo that he had ſpun out the poll; the fact was the reverſe, for he could declare upon his honour, that until Thurſday or Friday laſt, no propoſal had been made to him from any authority, to cloſe the poll: that it laſted from that time till the Monday following, was certainly his (Mr. Fox's) act; and his reaſon for keeping the poll open to the laſt moment, was, that he was reſolved to make the High Bailiff acknowledge, that the poll ought to be cloſed on or before the day on which the writ was returnable; or that it might be kept open after. Now the High Bailiff had cloſed the poll by his own authority, ſaying, that he could not carry it on after the day that his writ was returnable:—it was not cloſed, becauſe there were no more electors to poll, for that was not the caſe:—nor was it cloſed by the mutual conſent of the candidates; for he had not conſented to it; ſo that it was the High Bailiff that cloſed it by his own authority; and the reaſon aſſigned by him was, that he muſt return the writ, and therefore he muſt cloſe the books. Now he would aſk thoſe who contended that the High Bailiff was not *functus officio* on the 18th inſtant, becauſe a ſcrutiny was in fact nothing but a poll, why he ſhould hold himſelf obliged to cloſe the poll on the 17th, and yet carry it on afterwards under the name of a ſcrutiny; to ſuch a man he would always object as a returning officer; for as there was nothing ſo like a poll as a ſcrutiny, ſo there was nothing ſo like Thomas Corbett on the huſtings in Covent Garden, as Thomas

Corbett in the Veſtry-room of St. Paul's, St. Ann's, &c. &c. But thoſe who had adviſed the curious return he made, were reſolved, that as far as in them lay, he ſhould not have even the poſſibility of appealing to any other tribunal, if he ſhould decline a ſcrutiny before the High Bailiff; for they had drawn up the return in ſuch a form, that he was afraid he ſhould not be able to complain of it in ſuch a manner as to have it referred to a Committee of the Houſe. Had Sir Cecil Wray been returned, then he might complain of that return, and ſo bring it to a determination. However, he pledged himſelf to thoſe independent electors, who had ſo nobly ſupported him, to have the election brought before a Committee in ſome way or other; he owed it to them; he owed it to the country, he owed it to himſelf. The principle of Mr. Grenville's bill was to prevent party, or power, or faction, let gentlemen call it by what name they pleaſed, from availing itſelf of its numbers, to determine an election, and ſo keep out of the Houſe a character diſliked by Miniſters, or force upon the conſtituents a repreſentative whom they had not elected. This was certainly a good principle; but, if the doctrine ſhould prevail, that elections might be kept open after the return-day of the writ, might not Miniſters entirely defeat this principle: With the returning officers under their influence, they might cauſe a ſcrutiny to be demanded, and granted, and ſpun out to ſuch a length, that places might actually be kept for a whole Parliament without repreſentatives. In the preſent caſe, however, the law gave him a popular action againſt the High Bailiff, which he was determined to purſue; for the ſtatute of the 10th and 11th of William III. ſaid, "That every "Sheriff, or other officer or officers aforeſaid, who ſhall not "make the returns according to the true intent and meaning of this act, ſhall forfeit for every ſuch offence the "ſum of 500l. one moiety whereof ſhall go to his Majeſty, "and the other to him or them that ſhall ſue for the ſame," &c. If the Houſe ſhould order him to proceed with the ſcrutiny, he muſt obey; but he muſt proteſt againſt a meaſure, which could tend only to drain the pockets of public-ſpirited men; and which, in its very nature muſt be ineſficacious, as the ſcrutiny for London would clearly demonſtrate; for, as during eight or nine days, only as many votes were diſqualified, he would have the rule of three adopted, to aſcertain in what length of time the ſcrutineers could get through ſix thouſand votes. The noble Lord

wiſhed

wished to have the business brought before the High Bailiff, who, he said, would get through it in five months; but who told him that? The scrutiny in the case of Trentham and Vandeput lasted five months, though it was cut off in the middle. The noble Lord admitted for argument's sake, that precepts and writs were in their nature synonymous; he might have admitted it for the sake of truth; but the noble Lord used the former, because he was much more attached to argument than to truth.

As to the numbers on the poll, which to the returning officer, as it had been very properly said, ought to have been conclusive, he had not a doubt but there was of them a legal majority in his favour. From the time that his adversary's majority began to fall off, the parish books were produced, and the electors were scrutinized as they offered themselves; and upon this sort of scrutiny he had almost every day gained upon his adversary; and as for the last fourteen days, not more than thirty or forty polled on a day, the High Bailiff might very easily have been able to make up his mind upon the legality of the votes, which would not have been so easy a task if the electors had polled by hundreds as at the beginning of the election; and therefore he could now see no ground for a scrutiny. He declared, he wished Sir Cecil Wray was returned, that there might be such a return before the House as he should be able to bring before a Select Committee. He concluded by observing, that the arguments drawn from writs of *fieri facias*, did not apply in this case; for in the former, the court out of which they issued, might enlarge them, whereas the King issued the writs for calling Parliaments; but the House of Commons enjoyed the exclusive privilege of judging of the returns.

The Attorney General

The *Attorney General* (Mr. P. Arden) stated the question. He said it had no respect to the nature of the return— It was not whether there was a good or a bad return, but whether the returning officer was obliged, or compelled, under every circumstance, to make a return at all? He thought various cases could be imagined, and were even supposeable, in which the returning officer, notwithstanding the act of the 10th of King William, was incapable of making any return at the immediate expiration of the poll; and that a subsequent scrutiny was absolutely necessary, to afford him sufficient time and ground for forming his

his judgement on a point of ſo much magnitude and importance. It had been alledged, that there was no precedent for ſuch a licence in official conduct. But he would put the queſtion, whether there was ever any preceding inſtance which gave the ſame authority for adopting ſuch a meaſure as the poll of Weſtminſter? Did the hiſtory of election afford an example of ſuch a poll? It was a poll which had commenced at the earlieſt legal period, and had been protracted to the laſt legal hour. It had been taken in confidence of a ſcrutiny by all parties. On this idea votes had been admitted. In proof of what he ſaid, he could ſafely appeal to the ſentiments of the candidates, and to the different papers which had been iſſued during the period of the election. There was one production of this kind which was, no doubt, falſe, forged, and fabricated, but which evidently proved this, and which he would read to the Houſe. Here he produced the Gazetteer, a paper which he read daily, containing an advertiſement, aſſuring the electors of Weſtminſter, that a ſcrutiny would be demanded, and ſigned by a gentleman of the name of Mouler, who he did not doubt was intimately connected with the deſigns and intentions of the party. This advertiſement evidently ſhewed, that a ſcrutiny was an original idea belonging to one party in the Weſtminſter election, but which ſeemed now to be by the ſame party abandoned. He could ſuppoſe many caſes, in which the concourſe of voters might be ſo great, and other circumſtances of embarraſſment might intervene, ſo as to render a ſcrutiny of votes during the poll abſolutely impoſſible. He did not mean to apply any of his ſuppoſition on this ſubject to the Weſtminſter election; but the number of voters might at an election be ſo numerous — Multitudes might be dragged in from all quarters — Perſons of the moſt queſtionable deſcription might appear as voters, tag-rag and bob-tail, ſo as to render an immediate ſcrutiny during the progreſs of election impoſſible, and a ſubſequent one abſolutely neceſſary. In all ſuch caſes, the conduct of a High Bailiff, acting as the High Bailiff of Weſtminſter had done, was defenſible, and could not be blamed. Cavillers might talk of law and of ſtatutes, but there was neither law nor ſtatute, that could bind or compel a man to do what in his conſcience he could not do. This was a ſpecies of arbitrary compulſion which was wholly unjuſtifiable.

Sir

Sir *Thomas Davenport* supported Mr. Lee's motion; he combated Sir L. Kenyon's argument drawn from the analogy to writs from the Courts below; and he said, that if a Sheriff, having orders to sell the property of A, which he seized, but doubting afterwards whether it were really his property or not, returned this special matter, such a return would be bad; this he maintained as a lawyer; for the Sheriff ought to get an indemnity from the plaintiff, and sell the goods at all events. He then made some jocular observations relative to a scrutiny, which had really attended the poll for the last fourteen days, as the votes of the Master of the Rolls, and of a certain noble Lord (Mountmorres) had been very strictly scrutinized. Sir Thomas Davenport.

At eight o'clock the House divided, when there appeared,

For the previous question - - - - - - - 283
Against it - - - - - - - - - - - - - 136

This point being settled, Mr. Lee moved, "That "Thomas Corbett, Esq. Bailiff to the Dean and Chapter "of the collegiate church of St. Peter's at Westminster, "be ordered to appear at the bar of the House of Commons the next day;" which was ordered accordingly.

This question being disposed of, the Speaker called the attention of the House to His Majesty's most gracious speech. — The speech being read,

Mr. *Hamilton* rose, and in a speech of some length expatiated on the various topics contained in the speech. He dwelt on His Majesty's paternal attention to the sentiments of his People on the late dissolution of Parliament. The principles and conduct of the House of Commons were different from those of the nation at large. The sentiments of the People had been carried to the Throne, and His Majesty, with that condescension which distinguishes his character, had been graciously pleased to listen to them. Measures had been adopted by a late Ministry, unfriendly to the constitution of the country, and the prerogatives of the Crown — Attempts had been made to touch the charters of an extensive trading Company. These attempts had given a general alarm, and it had become absolutely necessary to dissolve a House of Commons, who, in opposition to the sentiments of the nation, and the principles of the Constitution, patronised the views, and countenanced the measures of men who had become obnoxious to the kingdom. He trusted that the present House of Commons Mr. Hamilton.

would justify, by their conduct, the decision of a gracious Sovereign in so important a point, and at so momentous a crisis. He dwelt on the character of the present Minister; in him the fondest hopes of the People were reposed; he was a person whose character merited public patronage — He had consecrated that period of early life, which by others was commonly squandered away in idle frolic, in youthful dissipation, to profitable study, and to the service of his country — He was not one of those characters, who having dissipated their fortune, ruined their constitution, and prostituted their powers, had entered those walls for the purpose of political traffic, for the purpose of repairing their finances, or from the motives of ambition and agrandisement — He had not come to offer the dregs of his being to the service of his country; he had consecrated to it the first fruits of existence. There was therefore every thing in his character to conciliate the confidence of the People; notwithstanding the calumnies which had been raised and propagated against him, this he had fortunately obtained. He congratulated the House on the event — It was a presage auspicious to the interests of the country, as it tended to ensure the preservation and continuance of their privileges, which had been attempted to be violated. His right honourable friend had been accused of being the champion of one branch of the Legislature, in opposition to the other; of the aristocratical influence of the kingdom, in opposition to the interests of the House of Commons; but he knew, and the nation knew, that these assertions were unfounded. His right honourable friend was not the champion of the House of Peers; he was not the champion of the prerogative; he was not the champion of the House of Commons; but the champion of the Constitution. He then moved,

"That an humble address be presented to His Majesty, " to return His Majesty the thanks of this House for his " most gracious speech from the throne:

" To assure His Majesty, that we are animated with " those sentiments of loyalty, and that inviolable attach- " ment to our excellent Constitution, which are, we trust, " inseparably united in the hearts of his faithful subjects:

" That we acknowledge with the warmest gratitude and " satisfaction, His Majesty's wisdom and gratitude in re- " curring, at so important a moment, to the sense of his " People; and that we trust, so seasonable an exercise of " the

"the power entrusted to His Majesty by the Constitution "will not fail to be attended by the most beneficial and "happy effects:

"To assure His Majesty, that his faithful Commons will "be ready to take proper measures for the application of "the sums voted in the last Parliament, and to grant such "farther supplies as may appear to be necessary; having "the fullest confidence that all His Majesty's subjects will, "from loyalty to His Majesty, and zeal for the interests of "the country, be ready to support those heavy burdens, "which, in consequence of a long and expensive war, are "now unavoidable, and will be sensible of the necessity of "effectually providing for the maintenance of the national "faith and the public credit, so essential to the power and "prosperity of the State:

"To assure His Majesty, that we shall apply our utmost "attention to the means of preventing the increasing frauds "in the revenue; that we shall also take into our most se-"rious consideration such commercial regulations as the "present situation may immediately require:

"That, in our deliberations on the affairs of the East-"India Company, so deeply connected with the general "interests of the country, we shall be truly anxious to pro-"vide for the good government of our possessions in that "part of the world: That we shall be careful never to lose "sight of the effects which any measure to be adopted for "that purpose may have on our excellent Constitution, and "our dearest interests at home:

"That we are deeply penetrated with the gracious and "parental expressions of His Majesty's affection and good-"ness to his People, and have the most dutiful reliance on "His Majesty's royal attention to every object of national "concern, and to the true principles of our free Constitu-"tion, which can only be secured by maintaining, in their "just balance, the rights and privileges of every branch "of the Legislature."

Sir *William Molesworth* said, his honourable friend had so ably argued the address he had moved, and so fully justified all its parts, that although he begged to have the honour of seconding the motion, there was little occasion for him to take up the time of the House at that late hour with any arguments upon the subject. Sir William, for this reason, contented himself with declaring that the address had his entire concurrence; that he highly approved the senti- Sir William Molesworth

 ments

ments of loyalty and gratitude that it expressed to His Majesty for the parental care manifested by him in his late appeal to the sense of his People, and therefore gave it his hearty support.

The address having been read from the Chair,

The Earl of Surrey. The Earl of *Surrey* said, he had hoped that Ministers would have come forward on that day with such an address, as should have passed the House unanimously, and not have afforded the least grounds for disapprobation and dissent. That it was far from his intention or desire, to find any fault with the panegyric which the honourable mover of the address had thought proper to pronounce on the present Minister; no man admired the talents of that right honourable gentleman more than he did, nor was there a person within those walls who more sincerely wished the right honourable gentleman a fair opportunity of displaying his great and distinguished abilities with advantage to his country and honour to himself; of his integrity he was fully persuaded, and of his determination to preserve his high character free from reproach and impeachment of every kind, he had not the smallest doubt; but as he had been bred up under the notion of constantly entertaining a degree of jealousy of the conduct of Ministers, he hoped he might take the liberty, without being thought invidious, to declare, that he did not concur in that part of the address which commended and thanked His Majesty for the late dissolution of Parliament. It had been his determination very soon to have come forward with a motion for purifying the state of the representation of the People, and of reforming that House, had the late Parliament been suffered to continue but a short time longer. Had that motion been made, and been made with the success which he might, with the assistance of the right honourable gentleman at the head of the Treasury, have been able to procure, he should have then been warranted to agree with the argument of the honourable gentleman who had moved the address, that His Majesty, by the late dissolution of Parliament, had appealed to the sense of the People. As the state of representation stood at present, he could by no means accord with this position, nor for a moment even admit that the real and genuine sense of the People could be collected by any such means as a dissolution of Parliament. So far from it, the People had only been nominally concerned in the busi-

neſs, while in fact they had been ſent down for a re-election to a number of ſmall and deſolated towns, the private property of individuals of a particular deſcription, under whoſe intereſt, and not by the People's free choice, they had been returned to that houſe. His Lordſhip enlarged on this idea very ably; and after uſing ſeveral arguments to prove the neceſſity of a parliamentary reform, expreſſed a hope that the gentlemen on the other ſide of the houſe would conſent, for the purpoſe of obtaining unanimity, to adopt an amendment he ſhould do himſelf the honour to propoſe, for omitting ſo much of the addreſs as returned His Majeſty thanks for the late diſſolution. As thoſe who moved and ſeconded an addreſs were generally conceived to act, on ſuch occaſions, in concert with the Miniſter, he declared, he could not give a ſilent vote on the occaſion, but felt it to be a duty incumbent upon him to declare his wiſhes, that the right honourable gentleman had ſpared the Houſe the diſagreeable circumſtance of being called upon to vote, what could not but be diſagreeable to a great many gentlemen who had ſat in the laſt Parliament, and who thought that Parliament had diſtinguiſhed itſelf as eminently as any Houſe of Commons ever ſummoned to meet in Great Britain. He hoped, therefore, for the ſake of unanimity, the gentlemen on the other ſide of the houſe would conſent to leave out ſo much of the firſt paragraph of the addreſs as went to the expreſſing an approbation of the late diſſolution; and, with a view to obtain that conſent, he ſhould move the omiſſion by way of amendment.

Colonel North.

Colonel *North* roſe to ſecond the amendment, and began with expreſſing his ſurpriſe that the honour of ſeconding the noble Earl's motion ſhould be left to him, and indeed that there had not been a competitorſhip; ſet up by the other ſide of the Houſe with the noble Earl for bringing forward ſuch a propoſition. The Colonel reminded the Houſe of the declaration made by the right honourable gentleman in the laſt Parliament, that he would not adviſe His Majeſty to diſſolve the Parliament, and ſaid, that in his ſhort acquaintance with that Houſe, he never recollected a meaſure of that importance brought forward of a ſudden, on the very firſt day of the ſeſſion, for the deciſion of the Houſe, before the Houſe had been afforded an opportunity for diſcuſſion and examination. He declared he was as little inclined to cavil at the panegyric beſtowed on the Miniſter by the honourable mover of the addreſs as the noble Earl;

Earl; but there were suggestions that presented themselves to his mind, which made it a little extraordinary for the honourable gentleman to call upon those members of the House, who sat in the last Parliament, and approved its conduct, to lend their sanction to its eulogy. What was it they were to applaud him for? Was it for the peace that he had taken a part in procuring? The Colonel asked several other questions, and at length concluded with seconding the amendment.

The Solicitor General. The *Solicitor General* (Mr. Macdonald) said, that during the late elections, they had all heard the sense of the People, and that their constituents had clearly decided against the conduct of the late Ministry; it would be a most extraordinary thing, therefore, just after they had heard what the sense of the People was, to come there, and in the first act of their parliamentary proceeding to fly in the face of their constituents, and vote against their known opinion and wishes. Mr. Macdonald recapitulated some of the measures that he conceived had given the People so much offence, and particularly pointed out the India bill, which he said every one of them had heard rung in their ears wherever they had been candidates. He justified the dissolution, as a necessary exercise of the constitutional prerogative of the Crown, and declared, that the situation in which that House stood, previous to its dissolution, with two contending parties in it, struggling for power, and one of them possessing the smallest majority possible to exist, was exactly and precisely that case in which the Royal prerogative was designed to be exercised. He dwelt for some time on their being bound indispensably to speak the sense of their constituents, and charged the last Parliament with having paid no regard to that necessary part of their duty. He arraigned the late India bill, and was pointedly severe on Mr. Fox, as the author of it. At length, after remarking, that moving an amendment, and opposing an address, were one and the same thing, he concluded, with giving his assent to the address, as originally moved and seconded.

Capt. James Luttrell. Captain *James Luttrell* declared, the People had decided the question of the dissolution already, and had not left it to that House to decide upon. He argued very strenuously in favour of the address, and charged the last Parliament with having acted contrary to the sense of their constituents, by asserting in addresses to the Throne, that certain sentiments were the opinions of their constituents, although the

the very next day they presented petitions upon their knees to His Majesty from their constituents, directly contradicting such assertions, and maintaining their direct opposites. Mr. Luttrell made several other observations, and particularly reminded gentlemen who had voted, as it were, in trammels in the late Parliament, that they were now free and independent.

Mr. *Powys* said, had the noble Earl moved an amendment, stating the direct reverse to the part of the address which he proposed to have left out, he could not have voted with him on such a question, but to thank his Majesty for the dissolution of the late Parliament, on the very first day of a session, was premature, and appeared to him to be preclusive of all future discussion of the subject That the dissolution was necessary, as it had been declared to be by the learned gentleman who had lately spoken, was a position he was ready to admit, provided the learned gentleman could prove, that the existence of the present Administration was indispensably necessary to the salvation of the country. Before he could think of voting for such an address, as possibly the Minister might come to Parliament for a bill of indemnity, Mr. Powys said, he must be informed how far it was deemed preclusive by the Minister himself, and to what degree; since, should the address pass, the House would be considered as pledged when the subject should hereafter come under discussion. Mr. Powys.

Lord *Delaval*, after a few arguments on the subject of the dissolution, defended himself for having voted for the India bill, and with Mr. Fox on every question that was moved towards the close of the last Parliament, by declaring, that he then thought the notions he entertained and acted upon, were the notions of the People, and that the declarations of the Ministers to the contrary were fallacious and illusory. He reminded the House of a speech he had at that time made, in which he had declared as much, and after complimenting the right honourable gentleman at the head of the Treasury on his talents, had advised him to go down the stairs again by which he had got into place, to trace back his indirect path to power, and to enter at the door of that House, openly, manfully, and constitutionally, as the Minister of the people and the House of Commons, in which case he had promised to open his arms to him, to embrace him cordially, and to give him every support in his power. This promise he held himself pledged to Lord Delaval.

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make good; the People had convinced him that he had been mistaken as to their sense, and that his conduct had consequently been founded on error. The right honourable gentleman had been borne into that House through the portal, in the face of open day, on the shoulders of the People. His constituents at Berwick, and the constituents of the whole House, had declared their confidence in the right honourable gentleman's character; and therefore, as an honest and independent man, he was determined to give him his vote that night, and on every occasion to lend him his support.

Mr. Rolle. Mr. *Rolle* said, he was empowered and commanded by his constituents, to take the earliest opportunity of declaring to the House, that they approved of every part of his (Mr. Rolle's) conduct, in the support of the Minister in the last Parliament; and that they reposed the most implicit confidence in the right honourable gentleman at the head of the Treasury. Mr. Rolle complained to the House of the conduct of one of the Judges at the last assizes for Devon, declaring, that through his means, by refusing to let his constituents have the use of the county hall, they were deprived of the opportunity of assembling, to instruct him and his late colleague, as they wished to have done. He stated the particulars on which he grounded this complaint, and said, his conduct hitherto had not been like that of the noble Lord who spoke last. He had voted against the India bill, and against the questions brought forward since Christmas, because he thought it his duty so to do, and for the same reason he should that night give his vote for the address.

Sir Sampson Gideon. Sir *Sampson Gideon* said, he should act most ungratefully by his constituents, and ill requite their partiality to him, so lately exemplified, if he did not, on the present occasion, vote for the address. Sir Sampson declared, that its being known, that he was a friend to the Minister, had been the chief ground upon which he had succeeded at Coventry; and that such was the determined sense of the people in general, in favour of the right honourable gentleman at the head of the Treasury, that wherever he had lately been in the country, he had been given to understand, that the single circumstance of any candidate's avowing himself steady in the cause of Government, and determined to support the measures of Administration, so long as their measures appeared calculated to promote the

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real interest of the country, was sufficient to ensure an election against a rival of the other party.

Mr. *Milnes* said, he should vote for the address, because it would not only be agreeable to his constituents, but perfectly accord with his own opinion. Mr. Milnes declared, that the sense of the large county, in which the city stood that he had the honour to represent, (York) was clearly and decidedly in favour of the present Minister, and that the dissolution of the late Parliament afforded his constituents, and the whole county of York, the most heartfelt satisfaction. The conduct of the late Ministers was, he said, held in execration — The India bill was regarded as a desperate attempt to secure to the author of the measure, and his colleagues in office, an inordinate and unconstitutional degree of power, to the diminution of the legal prerogative of the Crown, and to the great danger of the liberties of the people. Mr. Milnes

Mr. *Adam* stood up the advocate of his own consistency in contradistinction to the conduct of Lord Delaval. Mr. Adam said, he had never changed his opinion, nor did he see the least reason to alter it. He had voted for the India bill, because he was persuaded it was a wise and necessary measure, such as the occasion called for, and not a whit more harsh than the exigency of the case required. With regard to the clamour that had prevailed against it, far as it had spread, and much as it had preyed on popular credulity, he was persuaded it owed its rise and progress to artful misrepresentation, gross delusion, and direct and palpable falsehood. A day would come, and its arrival he trusted was not far off, when the truth would appear in spite of fallacy, when men would judge with candour, and decide without prejudice. That Ministers should have made the most of the popular delusion, he wondered not in the least, but their career had received a check, and that a glorious one, in the election for Westminster, where, as the scene of action was near at hand, it was difficult to conceal the real state of the case, and men judged for themselves, by the best guides, authentic information and facts. Though his right honourable friend's election was not unanimous, it might be said to have been almost an unanimous one, and considering, that he had to contend against all the weight of public office, all the interest of the East-India Company, all the opposition of Government, and the popular phrenzy of the times, it was Mr. Adam.

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a wonderful and moſt flattering proof of the high degree of eſtimation in which his right honourable friend ſtood with the intelligent citizens of one of the firſt cities in the kingdom. Mr. Adam ſtated, as an argument againſt agreeing to that clauſe of the addreſs, which approved of the diſſolution of Parliament, and thanked His Majeſty for it, that as that meaſure was taken without any public neceſſity, and againſt the moſt poſitive declarations of His Majeſty's Miniſter, it was not to be approved of without a regular and proper enquiry into the grounds upon which the meaſure was taken. He ſtated to the Houſe, the promiſe that the Miniſter had made, and the time at which he made it.

That the Houſe of Commons had met on Saturday the 24th of January; that the meeting on that day was remarkable; but the ſolemnity which attended it was ſtill more remarkable, and ſuch as had never taken place on any former occaſion.

On that day Mr. Powys aſked the Miniſter, with the ſtrongeſt impreſſions of the importance of the occaſion, Whether he meant to diſſolve the Parliament? and conjured him in the moſt emphatic manner to permit the Houſe to meet once more.—Mr Pitt replied in the phraſe which he conſtantly uſed at that time, "That he would not compro-" miſe the King's prerogative by making any bargain rela-" tive to the diſſolution, but that he could aſſure the ho-" nourable gentleman (Mr. Powys) that it was meant the " Houſe ſhould meet again.

The Houſe met on the Monday following, the 26th of January, when Mr. Pitt declared, in words which Mr. Adam ſaid he had taken down at the time, and ſhewn to ſeveral perſons, who agreed they were the words ſpoken by the Miniſter, "That he never would adviſe His Majeſty, " and were he, His Majeſty would not take the advice, to " diſſolve the Parliament; when, conſidering all circum-" ſtances, it would be attended with great diſadvantage to " the public, and that he conſidered the preſent time to " be ſuch."

Mr. Adam added, that he deſired the Miniſter, or any of his adherents, to point out any material difference between the period of the diſſolution and the time at which the Miniſter made the declaration—That he was aware there was one ſubject on which they might endeavour to ſtate a difference; the Mutiny bill; upon that he obſerved, there was no real ground for argument; becauſe, if Parliament had been

been diſſolved, at the period the declaration was made, a new one might have been returned, before the Mutiny bill would have expired. He obſerved, upon this ſtatement of uncontrovertible facts, that it would be highly improper to come to an immediate approbation of a diſſolution, which was evidently done, in violation of the pledged word of the Miniſter, and the preferred opinion of his Sovereign. A diſſolution, which had ſuſpended all public buſineſs, by an unuſual exertion of prerogative, while a very ſhort and temporary ſuſpenſion of public buſineſs to maintain the undoubted privileges of the Houſe of Commons, had been loudly complained of.

Lord *North* ſaid, he had been in hopes that Miniſters would have propoſed ſuch an Addreſs, as ſhould have met with no oppoſition, nor been liable to any objection. On the contrary, they had ſo managed it, as to ſet off hoſtilely, and lay the foundation for many future bickerings, much heart-burning, and much diſcontent. He ſtated the different grounds on which the late diſſolution might be argued, with a view to its juſtification, and ſaid, that regarded as a matter of convenience to Miniſters, they certainly were not to be blamed for it; but then it was a bad principle to lay down, that Miniſters were juſtified in proceeding to the adoption of any meaſure of that magnitude and importance merely for their own convenience. Having contended that Miniſters had acted raſhly in diſſolving Parliament in the midſt of a ſeſſion, and declared that they could not urge as a plea for it any conduct on the part of oppoſition, that impeded the progreſs of the public buſineſs; his Lordſhip ſtated that the meaſure had been of itſelf a very conſiderable means of procraſtination and delay, both of which muſt neceſſarily be conſidered as extremely diſadvantageous to the Public, under the preſent circumſtances of the country. If any man had a right to be angry with the laſt Parliament, his Lordſhip ſaid, it was himſelf; for at the commencement of that Parliament, he had been ſeated high in power, and apparently poſſeſſed the confidence of a conſiderable majority of the Houſe of Commons. His diviſion on the Addreſs had been 212. The diviſion of oppoſition was nearly what it had been that day, viz. 130, and yet flattering as theſe facts appeared to be at the time, in two or three years after he was obliged to quit his high ſituation. He adviſed the right honourable gentleman, therefore, not to rely too confidently on his own ſecurity, nor to exult too triumphantly on his preſent majority. Ld. North.

Mr. *Fox* ſpoke in ſupport of the amendment. He conſidered the calling upon thoſe of the late Parliament—a Parlia- Mr. Fox.

ment deserving of as much praise as any Parliament that had ever sat, to subscribe to their own condemnation, by acceding to an Address containing a paragraph applauding and thanking His Majesty for his dissolution of it, to be adding a degree of insult to victory, and exercising an arrogant and indecent triumph at the expence of the conquered. Mr. Fox entered into a general defence of the India bill, declaring that he shrunk not from the responsibility of that measure. He was the author of it; and if there was guilt in the having proposed it, he was chargeable with that guilt. Personally responsible for having brought forward the bill, he could not be, so as to be made subject to personal punishment, but responsible in the only manner in which responsibility for such conduct could attach, he certainly was; responsible with his character, responsible at the tribunal of the Public! He was glad that he had risqued his situation for that bill, even though it was lost; and though he never, perhaps, might again be a Minister, he would ever persist in maintaining, that the man who was afraid of risquing every thing personal on a measure of importance, on a measure that he was himself persuaded was a good measure for the country, was unfit to be a Minister. The India bill, he was well convinced, was that sort of measure; and he was persuaded, when it should hereafter be coolly considered, when the necessity for it on the one hand, and the design, scope, and extent of it on the other, were fairly viewed, and equally balanced, he had no doubt but it would be admitted to be a good, a salutary, and a proper bill for the purpose. That he meant either now, or at any other time, to shrink from it, was untrue; he never had, he never would shrink from it; he avowed it originally, he avowed it then. In like manner he avowed the Resolution on which the Address to His Majesty was founded, that desired that no dissolution might take place; a prayer which the House had been given to understand should be complied with. On the present occasion, therefore, he charged Ministers with having broken the Royal word, and said one thing to the House, while they meant to do another. After dwelling upon this for some time, Mr. Fox said, the conduct of the Minister in his endeavour that day to trample upon opposition, and treat it contemptuously, betrayed something, as it were, like the passion of insolence. He cautioned the right honourable gentleman, therefore, not to exult so exceedingly in his change of situation, nor to triumph too inordinately, because the dissolution had answered his purpose. Majorities were not always secure, nor always steady. Let the right honourable gentleman look to the year 1709, and let him recollect that there

there was such a person as Dr. Sacheverel. Not that he meant to degrade the right honourable gentleman's talents by putting them on a footing with those of Sacheverel, but merely to remind him, that in the year 1709 the times were exceedingly similar to the times at present, and the new Parliament, that had then been just called, were to the full as partial to Dr. Sacheverel, as the present new Parliament was obviously partial to the right honourable gentleman. Those who had got possession of the Government then (during the four last years of Queen Anne) would, in all probability, have destroyed the Constitution, had not the hands of Providence happily interposed and prevented it. Mr. Fox recommended it to Mr. Pitt to bring forward the necessary measures to prevent the illicit practices upon the revenue, commending the very excellent Reports that had been made upon that subject by the Committee of the last Parliament; he said, whenever the right honourable gentleman did this, or brought forward any proposition to support the credit of the nation, he might depend on his support, as he wished the public business to go on without farther interruption. He took notice of what Mr. Milnes had said about York, and declared, that respectable as that gentleman might be, he did not believe that either the House or the city of York would be benefited by the exchange.

Mr. *Milnes* rose to explain. He said, he verily believed, the politics of Lord John Cavendish, and the measures he had supported, lost him the city of York. Mr. Milnes.

Mr. Chancellor *Pitt* apologized for rising at so late an hour, declaring, that what had fallen in the course of the debate, made it necessary that he should say a few words. He then said, he was fully convinced of the importance of unanimity, and was extremely desirous of procuring it, if unanimity could be obtained; but he was not for purchasing a hollow unanimity, by blinking a great constitutional question, and passing over the dissolution of the last Parliament when it was so clearly established, that it had given the most solid satisfaction throughout the kingdom. As on the one hand, he was not willing to blink that great question, for the sake of the unanimity of an hour, so on the other, he was not afraid to state fairly how far he did conceive the present Address would preclude and pledge the House, when they came hereafter to discuss the circumstance of the dissolution. If it should appear, that in the conduct of the dissolution, there had been any trifling irregularity or error, he should in that case think the present Address precluded any censure for such irregularity; but God forbid, that the Address, or any thing Mr. Chancellor Pitt.

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else, should prevent any capital criminality, if criminality of that sort there should be discovered in the dissolution, from being fairly brought out, fully investigated, and if proved, punished with due severity. Having said this, the Chancellor mentioned among the fortunate events that had happened, the final conclusion of the Definitive Treaty with the States General. He next took notice of the various arguments that had been used in the debate, and by collecting them severally from Lord North, Mr. Adam, and Mr. Fox, and comparing the violences of one with the other, threw an air of ridicule upon the whole. He took notice of Mr. Fox's having had the firmness to avow the India bill, and still to glory in it, although he lost what he risqued—his power and situation by it. He said this firmness was not to be sufficiently admired; but that Mr. Fox's declaring himself willing to bear the responsibility was a little ridiculous, because in the very next sentence he declared the responsibility to amount to nothing, as he could not be made personally responsible to any punishment for having merely proposed a bill to Parliament. The only responsibility he was liable to, was the responsibility of character, and responsibility at the tribunal of the Public. This sort of responsibility, Mr. Pitt observed, had already been brought to the test. Mr. Fox had been tried before that tribunal of the Public, who had nearly unanimously found him guilty. He also adverted to what Lord North had said of the last Parliament, and owned, that if any thing could be a justification of that Parliament, the noble Lord had stated the single merit, that would indeed serve to cover a multitude of sins, viz. he had stated that the last Parliament had the virtue to put an end to his Administration, and to the ruinous and calamitous war which the noble Lord had brought upon the country. He would not, he said, at that late hour, attempt to argue the case; but leaving it under the broad shield which the noble Lord had thrown over it, he would proceed to take notice of two or three observations that had fallen from the right honourable gentleman opposite to him, and from the right honourable gentleman's learned friend behind him, relative to that "glorious check to the career of Ministers," as it was called, the Westminster election. The ingenuity of the learned gentleman had found out, that the right honourable gentleman's election was almost unanimous, although they had that day been enquiring why no return had been made, and had learnt, that many thousands voted for two other candidates. But, said the learned gentleman,

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the success was wonderful, considering that the right honourable gentleman had to contend with the powers of public office, with the powers of the India Company, and with, what the learned gentleman was pleased to term, popular phrenzy. The right honourable gentleman, said Mr. Pitt, has to lament, that he had to contend with the powers of public office, because he endeavoured to subvert Government—He has to lament, that he had to contend with the East-India Company, because he endeavoured to seize upon their property, and to seize upon their most sacred rights, sanctioned by charters, and secured to them by statutes; and he has to lament, that he had to contend with what is termed the popular phrenzy, because the People at large have seen and condemned his conduct—But what allies the right honourable gentleman had to fight for him are not noticed—The degree of influence used in his favour has not been observed upon, nor any respect paid to those charms, which alone can supersede every other consideration among us all, and command unanimity, when nothing else could occasion it. Having pursued this vein of mixed sarcasm and ridicule, Mr. Pitt took notice of Mr. Fox's glories not being merely confined to Westminster, but extended to the extremest corner of the island, to which the right honourable gentleman's partialities had not formerly gone.—His success at Ross and Kirkwall ought not, he thought, to be denied its share of praise—It was well intitled to

> "Pursue the triumph and partake the gale."

Having entertained the House considerably with this part of his speech, Mr. Pitt brought his harangue to a conclusion, by declaring that he could not consent, either at the price of unanimity, or for any other consideration, to alter the address in any part of it.

Lord Fielding

Lord *Fielding* rose next; but the cry of "*Question, question*," was so generally vociferated, that it was some time before his Lordship could go on, and then only for a short time. He moved "That the address of the House in January last should be read." It was read accordingly; and Mr. Fox moved "That the original resolution might be read "likewise," which was complied with.

At length the question was put, and the House divided,

Ayes, (for the amendment)	114
Noes,	282

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The main queſtion was then put, and carried; and a Committee was appointed to prepare the addreſs.

Mr. Lee. Mr. *Lee* afterwards moved, "That Mr. Grojan, the Deputy Bailiff of Weſtminſter, attend at the Bar this day." Ordered.

May 25.

The Houſe proceeded to eſtabliſh the orders for the regulation of petitions complaining of undue elections and returns; and after a good deal of debate they agreed to the following order: — That the petitions ſhould be claſſed — 1ſt, Petitions in caſes of double returns; 2dly, Petitions againſt members returned for two or more places; 3dly, Petitions complaining of returns only — This was a new diſtinction, moved by Mr. Gaſcoyne—and 4thly, Petitions in all other caſes. — After this was ſettled, a number of petitions were preſented, and days fixed for taking them into conſideration.

A debate occurred on a petition from the right honourable Charles-James Fox, complaining of there not having been any return made to the writ for Weſtminſter, and ſtating all the circumſtances of the election.

As ſoon as this petition was read, Lord *Mulgrave* deſired to know upon what ground this petition was delivered, under a claim to be heard before a Committee, appointed under the authority of Mr. Grenville's bill? As the beſt means of coming at this, his Lordſhip moved, "That an "act made in the 10th of His preſent Majeſty, entitled, 'An 'act to regulate the trials of controverted elections, or re- 'returns of members to ſerve in Parliament,' might be "read."

Mr. Fox. Mr. *Fox* ſaid, he conſidered himſelf as entitled to petition the Houſe, and to have that petition referred to a Committee, to be choſen according to the regulations of Mr. Grenville's bill, for which reaſon he had delivered the petition which had been juſt read; and he meant to move, if there was no objection ſtated to it, that the ſaid petition go to a Committee to be balloted for on Friday ſe'nnight.

Lord Mulgrave. Lord *Mulgrave* ſaid, he had moved to have the clauſe of the act read, which he took to be perfectly regular, and therefore deſired it might be read, as he did not conceive the petition came within the act: and in that caſe he ſhould make a motion, ſomewh[illegible] different from that propoſed to be made by the right honourable gentleman.

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The clause of the act was read.

Lord Mulgrave then entered into a discussion of the true intent and meaning of Mr. Grenville, when he originally proposed the bill, declaring, that he was in Parliament, and took a considerable part in carrying the bill through against the powerful enemies it had to contend with at the time. He declared, the sole purvieu of the bill went to the seats of parties, that it ordered notice to be sent of the Committee, &c. to the petitioners and sitting members, and could not be construed as having any relation to elections pending. In explanation, and by way of illustrating this assertion, his Lordship quoted Mr. Grenville's expressions at the time the bill was under consideration; from whence he declared, that all election matters and merits not specifically and obviously included within the purvieu of Mr. Grenville's bill, remained subject to the old common law, as it stood before the passing of the statute, and that consequently the petition upon the table could only be received and considered by the House as any other petition that was without the meaning of Mr. Grenville's bill. The petitioner might be heard by his Counsel at the bar, in support of it, and to such a motion he should have no objection; but at present he should move, "That the said petition does not come within the "description of a petition complaining of an undue election "or return of a member or members to serve in Parliament, "the proceedings upon which are regulated by two acts, "made in the 10th and 11th years of his present Majesty's "reign, for regulating the trials of controverted elections, "or returns of members to serve in Parliament."

The Master of the Rolls

The *Master of the Rolls* (Sir Lloyd Kenyon) seconded the motion, and assigned his reasons for being clearly of opinion with the noble Lord. He said, the act of Mr. Grenville, of which he thought highly, clearly regarded sitting members only, and provided for the trial of an election cause between parties. In the present case there were no parties, there had been no election, there was no return. It was impossible to say who was chosen, and there was but one petitioner. If he was to give his opinion upon the paper that had been delivered to the Sheriff by the High Bailiff, he should certainly not pronounce it a return of members, for it stated not who were, according to the judgement of the returning officer, duly elected: it was merely a return of another kind, a histor' of the proceedings at the Westminster poll; an account of the *res gestæ* there, by way of apo-

logy made by the High Bailiff to the Sheriff, as a justification of himself for not being able to make a complete return. The statute of the 12th of King William had been a good deal mentioned the preceding day; it was, he said, to him no new business; and he had his doubts, whether that statute had any reference whatever to the High Bailiff. He was inclined to think it had not, because no such person as the High Bailiff, or any other returning officer, other than the Sheriff, was recognised in it. That act ordered the Sheriff to make his return to the writs, for the election of members to serve in Parliament, to the Clerk of the Crown, and directed, that the Sheriff should pay to the said Clerk of the Crown the ancient and lawful fees of four shillings, and no more, for every knight of the shire, and two shillings, and no more, for every citizen, burgess, or baron of the Cinque Ports, and should charge the same in his account. Upon this, the Master of the Rolls reasoned, to prove, that the Sheriff alone was amenable to the statute, asking what account the High Bailiff ever kept at the Crown office, and what fees he ever paid there? He concluded with declaring, that he was clear in his opinion, that the petition of the right honourable gentleman came not within the meaning of Mr. Grenville's bill.

Mr. Fox. Mr. *Fox* declared, that he would be free to confess, that in one point he was rather inclined to the opinion of the learned gentleman, and that was merely with respect to the return; but that although his petition was not within the letter of the bill of Mr. Grenville, he was persuaded it came within the spirit of it, and he hoped the House would have suffered it to go to a Committee, though he saw pretty plainly that it was not their intention. He took notice of the Master of the Rolls having declared that it was no new business: he said, he verily believed it was not a new business to any of the learned gentlemen he saw opposite to him, for he was persuaded they had all been consulted in the contrivance and fabrication of the curious device that had been hit upon, which, though it was not to be deemed so far a return as to permit him to petition the House upon it, so as to obtain a hearing before a Committee upon their oaths, it was nevertheless to be deemed a return sufficient to exculpate and save an atrocious delinquent from punishment. From this remark, Mr. Fox proceeded to state the peculiar difficulties that had been thrown in the way of his being returned for Westminster. He said every other candidate in the kingdom had been allowed

allowed to try his chance fairly; but it appeared to have been determined by Adminiſtration, that let Mr. Fox have ever ſo great a majority, let him even have had all the votes of all the electors, that unfortunate candidate was to have been prevented from taking his ſeat for Weſtminſter. Various had been the ſtratagems put in practice to defeat his election. At firſt the deſign ſeemed to have been, to poll any votes for his rival, no matter how bad; but that method was ſoon abandoned as too glaringly partial to be perſiſted in; then probably the idea of making a double return was pauſed upon; but as in that caſe a petition would have carried the matter before a Committee of the Houſe, under Mr. Grenville's bill, the right to the ſeat would have been decided ſooner than it was wiſhed to be, and therefore that plan was likewiſe abandoned; all along Adminiſtration had uſed their whole weight and influence againſt him, and aggravated the expence to the utmoſt, by way of harraſſing the enemy as much as poſſible: laſt of all, the ingenious thought of drawing up for the High Bailiff, ſuch a paper as would preſerve him from danger, though the unfortunate candidate could neither proceed upon it one way nor the other, ſo as to obtain that ſeat which he was fairly entitled to, was adopted and carried into practice. Mr. Fox added other arguments to prove how far the perſecution was carried; if he attempted to avail himſelf of one ſtatute, to which, from the complection of his caſe, it appeared to be applicable, he was immediately told, it had no reference to that act of Parliament; if he looked to another with a hope that it would protect him, and obtain that for him which in reaſon and juſtice he had a right to claim, he was told, he was as wide of the mark as ever, and ſo on: he had no doubt he ſhould find it *ad infinitum*. With regard to a ſcrutiny, ſhould the Houſe be of opinion that it ought to proceed, what hope could he entertain of getting his ſeat for years? In London the ſcrutiny had continued for ten days, and about twenty votes only had been gone through; in what time then was it likely that the poll for Weſtminſter ſhould be brought to a concluſion? He took notice that a learned friend of his, ſpeaking of the partiality of the electors towards him, had carried the paradox rather too far, and declared, that the votes for him had been almoſt univerſal; he would not venture to ſay this; but though he had not a majority of votes, yet it might fairly be ſaid, that when a candidate like him, a known object of the enmity and perſecution of Government, ventured to ſtand for Weſtmin-

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ster, to obtain an equality of votes, he must have a majority of wishes. He observed, that the Latin word *votum* admitted of two translations, both of which applied to his case; for he might be said to have enjoyed the majority of the *voices* of his constituents, or he could not have been honoured with an equality of their *votes*. If, however, he had been chosen by the unanimous votes of all the Westminster electors, and Lord Hood and Sir Cecil Wray had chosen to demand a scrutiny, he was persuaded they might have kept him out of the House the whole session, perhaps the whole Parliament. As the case stood, he was sincerely of opinion, that his Petition ought, from its coming within the spirit of Mr. Grenville's bill, to go to a Committee; there were parties, complete parties to try the cause between; Lord Hood and he were one party; Sir Cecil Wray and his electors another: Sir Cecil Wray ought to petition, and then they would be properly before the House. As to there being no sitting members—What sitting members were there in the case of a double return? Mr. Fox argued upon the necessity for a new law to be made, in order to bring cases like his within the jurisdiction of Mr. Grenville's bill; at present, he said, those who affected to be most fond of that statute, took most pains to narrow its scope and confine its effects. This had that day been fully exemplified in the case of the Bedfordshire Petition. He saw the utility of that bill more and more, and he wished to extend its jurisdiction to all possible cases of election. He remarked, that he had somewhere heard something of the kindness shewn him by the electors of Ross and Kirkwall, when his election for Westminster was, as it had been termed, in its most forlorn state. Upon that head, he could only say, that he was as much surprised, when he learnt that he was to be returned for Kirkwall, as any one gentleman in the House could be. The honour was altogether unexpected by him, nor did he hear of it, till two days before he was chosen; but though he had not looked *there* for a resource, yet it would have been the height of imprudence for him, if he meant to be in Parliament, to have trusted solely to Westminster. Of that he was aware all along, and his opinion was now fully confirmed. Mr. Fox, before he sat down, said, it was his duty to present the Petition, and to get it referred to a Committee under Mr. Grenville's bill, if he could; he owed it to his constituents, and he wished either to have a declaration from that House, that the High Bailiff's paper was a return, or an order for him to make one.

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He was ſure he was legally choſen, and that by a conſiderable majority, althought it might be thought he was not. Poſſibly ſome hundreds who had voted for him would ſay, they voted for Sir Cecil Wray, and ſo he was perſuaded would others who voted for Sir Cecil Wray ſay, they voted for him; but he knew the fact was not ſo; and that as to any real miſtake, of that kind, if there were any, there could be but very few. The ſeat he claimed as his right; he was contending for the poſſeſſion by virtue of that right, and he wiſhed to have it fairly tried; if Sir Cecil Wray ſhould appear to be legally choſen, let him take his ſeat; at any rate, Lord Hood ought to have his ſeat, and the electors for Weſtminſter be repreſented in ſome ſort in Parliament.—Mr. Fox, in the courſe of his ſpeech, aſked the Maſter of the Rolls, if, when he, the preceding day, called out *audi alteram partem*, he tranſlated the word *alteram*, as alluding only to *one* of the two parties? He alſo mentioned the learned gentleman's having given the Public to underſtand by his vote for Weſtminſter, that he lived in his ſtables. Before he concluded, Mr. Fox ſaid, he ſhould not take the ſenſe of the Houſe by a diviſion, but if the queſtion were carried againſt him, (as he ſuppoſed, from the preſent temper and diſpoſition of the Houſe, it would be), he ſhould move afterwards, that leave be given to bring up the Petition, and that he might be heard by his Counſel upon it at the bar of the Houſe.

The *Maſter of the Rolls* (Sir L. Kenyon) roſe to explain, and firſt he took notice of what Mr. Fox had thrown out with reſpect to the buſineſs not being new to him. The expreſſion which he had uſed, and which Mr. Fox had twiſted and tortured ſo ingeniouſly, was, he declared, that the eleventh of King William was not new to him; and when he ſaid ſo, he alluded to his being converſant with that ſtatute, the fact being, that having heard Mr. Fox the preceding day pledge himſelf to bring a popular action againſt the High Bailiff on that act of Parliament; when he went home from the Houſe, he had read the ſtatute, and formed the opinion, which he had rather hinted than delivered that evening. With regard to the paper of the High Bailiff, he declared, upon his honour, that he had never ſeen, or even heard of it, till he heard it read in the Houſe. He would, as he was upon his legs, add one thing more; the honourable gentleman had ſuggeſted, and he had ſeen it ſtated in almoſt all the newspapers, that he had voted for his ſtables. The fact was, a part of his houſe, which was a pretty large one, ſtood in St.

The Maſter of the Rolls.

Clement's parish. When he voted, Mr. Baldwin, a very respectable Counsel, and a voluntary agent for Mr. Fox, was present, and told him at the time, that his vote was as good a one as any vote that had been taken.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* contended, that instead of fairly and dispassionately arguing the petition upon the table on either of its true grounds, viz. on the construction of the statute, or on the orders and practice of parliament, the right honourable gentleman had chosen, as usual, to throw out a great deal of inflammatory assertion, to scatter his invectives at random, and to mix much extraneous matter with his arguments, of a sort that could have been introduced with no other motive, than for the purpose of confounding truth and falsehood, and by that means misleading the judgements, and alarming the prejudices of the House, and of all who heard him. Had the right honourable gentleman fairly argued his petition, the whole merits of the case would have been found to lie in a narrow compass, and it would have been a very easy matter to follow his facts, and to put the question in its true point of view. The question, Mr. Pitt said, was not, what had happened during the election for Westminster, nor what the difficulties were, which the enmity of Administration had provided for the unfortunate candidate, who had taken up so much of the time of the House, in stating and describing the lamentable circumstances that had befallen him. The question merely was, did the petition upon the table come within the purvieu of Mr. Grenville's bill? If it did, it undoubtedly ought to go to a Committee; but if the House should be of opinion that it did not, undoubtedly it was neither consonant with the orders of the House, that it should remain on the table, nor right that it should interrupt the regular business the House was at that time engaged in, viz. the receiving petitions complaining of undue elections.—The unfortunate candidate, among many other of the melancholy grievances he complained of, and which he had taken such pains to impress upon the minds of the House, with a view to hold himself out to the Public as an object of the most unexampled ministerial persecution, had said, that let him resort to what statute he would, still he was to be told he could derive no benefit from it. To what was this to be ascribed, but to the right honourable gentleman (or rather, as he had chosen to describe himself, to the unfortunate candidate's) choosing to resort to such acts of Parliament as could not, by any fair construction of any of their clauses, be admitted to be at all applicable to his case? Statutes, how-

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ever beneficial in their operation, however defervedly popular, muft ever be taken as they were, and conftrued according to their clear import. Every act of Parliament had its particular object, and could not be made applicable to fuch cafes, as by their exprefs wording, their provifions did not extend to. This was the cafe with Mr. Grenville's bill; and the petition upon the table, to which the claufe of the act that the Houfe had heard read, had no reference whatever. Nor was there any thing in the argument of the unfortunate candidate, that in the cafe of a double return, there were no fitting members. The fact was, to fome purpofes, on every double return, there were four fitting members inftead of two. With regard to the ftatute of King William's not applying, he knew not whether the unfortunate candidate had moft caufe to lament, or the fortunate High Bailiff, (againft whom the right honourable gentleman had fo vehemently denounced his vengeance, threatening him with his indignation, and declaring his determination to make him, if poffible, a facrifice to his difappointment), had moft reafon to rejoice at the circumftance. Happy it undoubtedly was for the High Bailiff, that it turned out that he had duly difcharged his duty, and fully complied with his oath, and with all that the ftatute required at his hands, in ftating his reafons for not having made the return which the unfortunate candidate had expected. With refpect to the pointed charge which the unfortunate candidate had made againft his learned friend, the charge of not coming new to the bufinefs, every man who was acquainted with the refpectable character of the learned gentleman, and his uncommon fhare of profeffional knowledge and profeffional learning, would not only wonder if the eleventh of King William were new to him, but even if almoft any of the laws in our Statute Book came under that defcription: indeed the right honourable gentleman had forgot that he himfelf had taken care that the bufinefs fhould not be new to any part of the Houfe, fince on the firft day of the feffion, before a Speaker was chofen, and before any bufinefs whatever could be brought on, confiftently with the forms and practice of the Houfe, he had rifen and urged it moft indecently upon their notice. The right honourable gentleman, not contented with moft foully and illiberally abufing Adminiftration, and imputing to them defigns which they had not dreamt of, and devices which they had never practifed; not contented with infulting the underftandings of that Houfe, contemning its decifions, and arraigning its juftice, the right honourable gentleman had exceeded

ceeded even his usual scope, and carried his invective beyond those walls, comprehending all his constituents in one general censure; a censure that involved in it the charge of perjury. [A cry from the other side of the house of *No! No!*] So soon had the right honourable gentleman forgot his obligations to the electors of Westminster, so soon had he lost sight of the arts of ingratiating himself in their favour, which he had been studiously practising for the last two months with unexampled zeal, and, according to his own account, with such unexampled success, that he had not only obtained a majority of their votes, but, according to his own elegant translation of the Latin word *votum*, a majority of their voices, and even what was still more, a majority of their wishes. With regard to the time that a scrutiny would take, the bare mention that in the election of Vandeput and Trentham, 1500 votes were set aside in the course of one session only, when sessions were much shorter than they had been of late years, was sufficient to prove, that the unfortunate candidate had very greatly aggravated the length of time a scrutiny was likely to take up before it could be compleated; and as to the imputed wish of Ministers to keep the city of Westminster without its representatives, he would leave it to the good sense of gentlemen to determine, whether it was likely that Administration should entertain so absurd a wish, as that of preventing Lord Hood and Sir Cecil Wray (who probably might be the members returned at the end of the scrutiny) from taking their seats, since it was pretty well known that both those gentlemen were actuated by sentiments, and that they entertained political principles friendly to the present Government. He said, what impressed his mind, from an impartial consideration of the whole of the case, and which he presumed made the same impression on the minds of all candid men, was, the necessity for a new law to regulate the elections for Westminster in future; a law that might direct the duration, and limit the continuance of those elections, so that the Bailiff of Westminster should be able to take the poll, and even conclude a scrutiny, (should a scrutiny in his judgement appear to be necessary) in sufficient time to enable him to make a complete return to the Sheriff, by the period appointed in the writ for such return to be made to the Clerk of the Crown. An act of Parliament like that he had described, Mr. Pitt said, appeared to him to be highly necessary; and he trusted he should have the assistance and support of the right honourable gentleman, and of the whole House, when a bill for the purpose should be submit-

ted to their consideration; by that means endeavouring to convince the Public at large of the wisdom and practicability of a measure, which ever had been, and still was, nearest his heart, viz. a sober, temperate, and useful reform of the state of parliamentary representation. He wished the case of the Westminster election to be fully heard, and impartially discussed; but he was firmly of opinion that the petition came not within the purvieu of Mr. Grenville's bill; and that being of that opinion, his regard for the rules and orders of the House obliged him not only to vote against the petition's going to a Committee, but against its remaining on the table, till it came there in a manner more consonant to the orders of the House, and the practice of Parliament.

The motion was agreed to; after which the petition was withdrawn.

May 27.

The House went up to St. James's with their address; to which His Majesty was pleased to return the following most gracious answer:

" Gentlemen,

" I return you my most cordial thanks for this very loyal " and dutiful address.

" The affectionate expressions of attachment from my " faithful Commons, and their zealous regard to the princi- " ples of our invaluable Constitution, must ever afford me " the most sincere satisfaction."

May 31.

Mr. *Burke* rose, and said, he wished to say a few words upon a subject well worthy the attention of the House. The Parliament had been assembled under circumstances so new and extraordinary, that if there ever was a time when it behoved men to look about them, and consider themselves and their characters, this was the time. It was highly necessary that they should know precisely the nature of the ground they trod, and the sort of law that was to govern their future conduct within these walls. His Majesty's speech from the throne at the opening of the session, and the address voted upon it, although couched in pretty general terms, and holding a language far from objectionable in the abstract, involved a variety of weighty and important matters, that called for as serious and deliberate a discussion as any subjects that ever had been submitted to the consideration Mr. Burke.

of any Parliament. Meaning therefore, at some future day, to bring them before the House, in such a manner as should challenge their maturest attention, he rose then in fairness and candour to declare, that such was his design, in order that gentlemen might have sufficient time to consider the topics touched upon in His Majesty's speech, and to weigh their import and tendency with that degree of examination and reflection that their magnitude merited. The points which the speech, and the address of the House, principally held out, were three: the first, the dissolution of the late Parliament, for which the House had thanked His Majesty. Undoubtedly, to dissolve a Parliament was a legal exercise of the prerogative, and *prima facie* a right thing. It was, therefore, proper to thank His Majesty for doing what appeared *prima facie* to be right; but there might be circumstances (he was not then saying that there were, because that was not the fit moment for the discussion) which might prove, that what was *prima facie* right, was altogether unjustifiable, and a most violent and unwarrantable exercise of power as ever was put in practice. The second point the speech and address went to, was the mention of what had been done in relation to the East-India Company; and this commemoration carried along with it a strong insinuation, that something unconstitutional had been attempted on that head in the last Parliament. This commemoration, therefore, was *commemoratio quasi exprobatio*, and called for consideration and enquiry, since it regarded the conduct of Parliaments in general, and it being highly necessary that the House should know how far they might safely proceed in future respecting the sort of bills, that might or might not be introduced without subjecting a House of Commons to the reprehension of having acted unconstitutionally. Bills and proceedings might, he observed, be instituted and held in progress, which as bills and proceedings merely, might be liable to the imputation of being unconstitutional, because it was the completion they received, and the sanction and fiat of the whole Legislature, that changed them from bills and proceedings to acts of Parliament, and made them constitutional; it was therefore a very nice question, how they could proceed safely, to avoid the reprehension of having acted unconstitutionally in respect to their bills; because, as the matter stood, unexplained and obscure, every bill they passed that did receive the sanction and support of

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either of the other branches of the Legiſlature, might ſubject that Houſe to the imputation of having acted unconſtitutionally. The third great point in the ſpeech was to be found at the concluſion, where it was recommended to the Houſe, to take eſpecial care to guard and preſerve the conſtitutional balance of King, Lords, and Commons. This part of the ſpeech, Mr. Burke obſerved, was likewiſe commemorative, and ſeemed to convey an idea, that the laſt Parliament had not preſerved the conſtitutional balançe alluded to; it became, therefore, highly neceſſary, that the charge ſhould be examined, in order, if there was guilt in the laſt Parliament, that the degree of it ſhould be aſcertained. Upon theſe conſiderations it was, that he meant to bring forward ſome propoſition on the ſubject, and he had taken that opportunity of making the few obſervations he had offered to the Houſe, from a principle of candour and fairneſs; with the double view of appriſing gentlemen fully of his intention, and of affording them time to revolve the ſubject in their minds previous to his bringing it under diſcuſſion. Mr. Burke concluded with giving notice, that he ſhould make a propoſition upon the King's ſpeech and addreſs next Wedneſday (to-morrow) ſe'nnight.

Mr. Chancellor *Pitt* ſaid, it was certainly extremely fair in the honourable gentleman, to give notice of his intention to make ſome propoſition upon the ſpeech and the addreſs next week, but perhaps as the honourable gentleman had declared, he did it with a view to enable the Houſe to make themſelves equal to the taſk of diſcuſſing the ſubject properly, when it ſhould be brought before them; his purpoſe would have been better anſwered, had he ſignified what ſort of a propoſition he had in contemplation. Mr. Pitt declared, he had liſtened to the honourable gentleman, with all poſſible attention, and he was wholly at a loſs to know to what his notice pointed. All that he had been able to collect was, that His Majeſty's ſpeech at the opening of the ſeſſion, and the addreſs of the Houſe in anſwer to it, turned on three important circumſtances; namely, the diſſolution of the late Parliament—the ſituation of the Eaſt-India Company's affairs—and the neceſſity for ſtrictly and religiouſly preſerving that balance which the Conſtitution deſigned ſhould be preſerved, with regard to the three diſtinct branches of the Legiſlature. Perhaps it might be the opinion of moſt gentlemen, as he owned it was his

Mr. Chancellor Pitt.

opinion, that the proper time for making any remarks on the King's speech was past, because the fittest moment for such remarks being offered, appeared to him to have been that moment, when an address was moved upon the speech, and was under the discussion of the House: at any rate, he thought the honourable gentleman ought to carry his candour and his fairness at least one step farther, and to let the House know what it was he really intended to propose, and on which he had declared himself anxious that gentlemen should make up their minds.

Mr. Burke. Mr. *Burke*, in reply, complained of what Mr. Pitt had said as a sneer at his insignificance. He remarked, that whenever men were more than ordinary candid, they were sure to subject themselves to inconvenience. This was his case at present. He begged leave therefore, to observe, that however the right honourable gentleman might enjoy the advantage of the opportunity for a personal reprehension, which he had afforded him, that the importance of the considerations he meant to bring forward, would sufficiently apologise for the want of importance in the individual who presumed to introduce them to the notice of the House. When they were under discussion, the right honourable gentleman might be assured, that the mover of them would wholly disappear, and be lost in their superior consideration. With regard to explaining his meaning more fully, so far from its appearing to him to be necessary, he was persuaded that he had been induced, from a principle of candour, to go farther into the subject, and to open it much more than he need to have done, or than usually was done on similar occasions. What he had said already was, he was persuaded, sufficient to give the House every necessary intimation of his design.

The House then was moved to resolve itself into a Committee of supply, when Mr. Chancellor Pitt moved, "That "Mr. Gilbert take the Chair."

This occasioned a short debate, as the opposition side of the House contended for Mr. Ord, the old Chairman; but the Chancellor's motion was carried; and Mr. Gilbert took the chair in the Committee.

Mr. Brett. Mr. *Brett* moved, that 26,000 seamen, including 4400 marines, be the number employed for the service of the current year.

Admiral

Admiral Sir *Thomas Frankland* rose, not to object to the number of seamen. He said, victory depended not absolutely on numbers and mere courage; conduct and discipline only would ensure conquest: the courage of the sailor was heightened by the knowledge his Captain had of his profession, who ought to keep up so strict a discipline as to leave his officers and crew no room to harbour any other thoughts but submission and obedience. He complained loudly, that all subordination and discipline were lost in the navy: and said, this being the time of profound peace, if an effectual reform, proper and salutary regulations and instructions relating to His Majesty's service at sea, were not immediately adopted and established, we were a ruined, undone nation. And he much lamented the consuming state of the navy; declared the evil arose from the unwarrantable appointment of children to commands: boys who had no capacity to execute, or judgement to distinguish; who had seen no service so as to acquire experience, yet were set over officers of known abilities; over men who could do honour to the service, but were disgusted with it, since merit was no longer the road to advancement. Under such discouragements, it was no wonder that they were sick of an unconnected, disjointed service; of obeying commanders of opposite principles and political sentiments, and indignant at receiving orders from young lads of the age of their own children, who understood not the orders which they gave them to execute. This grievance must breed contempt, and destroy all subordination and discipline, not only to the injury, but to the annihilation of the service. Decay of discipline, was at all times the loss of sailors by desertion, and the cause of shame to the officers. Sir Thomas stated many cases in point; one Captain having two children appointed his Lieutenants, refused to keep them, but said, if it was insisted upon that he should, they must send another Captain to his ship, for he would not command her. Another Captain refused receiving two other boy Lieutenants, and for so doing, was brought to a Court Martial, but was acquitted with honour. Another Captain had one appointed to his ship, the child was not permitted to do any duty all the passage home from Jamaica, but his Captain told him to go into the gun-room among his boys, and improve himself in navigation. In several ships the old officers would not be relieved by children, their brother officers, as they could not trust them with

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the charge of the watch.—A Lieutenant was appointed to a ſhip, who had only been one year at ſea. And to ſuch a ſtate was our navy now reduced, that young officers frequently had ſent their Captains to Coventry, which ſurely was quarrelling with their ſuperior officer, which by the articles of war was puniſhable with death. How was our navy degenerated! for Captains to bear ſuch inſults, and ſuffer themſelves to be treated not even with common civility and reſpect by their inferior officers; even the ſwabbers affected the ſame manners, and would exhibit ſigns of contempt while the Captain walked the deck; for diſreſpect ſpreaded like wildfire. Sir Thomas expatiated on the ill conſequence of ſuch appointments, and obſerved, it was contrary to all the eſtabliſhed rules, articles, and orders of the ſervice; it being ordered, which he begged to read, "That no perſon "ſhall be preferred to a Lieutenancy but ſuch as have "ſerved ſix years at ſea; and have been rated two of the ſix "years as Midſhipman or Mate, in ſome of His Majeſty's "ſhips. They muſt produce good certificates from the "commanders they have ſerved with, and be in all reſpects "qualified for a Lieutenant, and not under twenty years of "age: they may then be preferred, and not otherwiſe."—After reading this ſecond article of the Navy Inſtructions, "in regard to the appointment of officers in foreign parts," he wondered how any officer could be made ſo young, and of ſuch ſhort ſtanding in the ſervice; but moſtly, how three principal Captains or commanders could certify to their paſſing regular examinations, when they muſt be ſenſible that age, ſervice, and qualifications were all three deficient. By their ſigning ſuch certificates of examination, the nation was put to great expence, as moſt of the maſts and yards ſprung and carried away, lives loſt and drowned, ſails ſplit and blown away from the yards, ſhips crippled, perhaps loſt! were cauſed by the ignorance of theſe officers. He could prove inſtances of Captains of the forecaſtle and Boatſwains' Mates going to the Maſter (an officer formerly, as well as his mates, of conſequence to the ſervice, but now almoſt loſt to it) to beg he would get up and come upon the deck, for it looked very black and ſtormy to windward, and no orders from their macaroni officers were given either to reef or take in their top-ſails, and prepare the ſhip for a gale of wind. Even Quarter-maſters had run into their Captain's cabins on ſimilar errands. Could gentlemen be ſurpriſed that the old ſeamen complained of not being able to ſleep in their hammocks, and deſerted the very firſt opportunity they had; and

and that the old veteran Lieutenant avoided the ſervice, being diſſatisfied and diſguſted with the ſame? Sir Thomas hoped theſe young Captains were never permitted to ſit on Court Martials, as the Judge Advocate ought not to adminiſter a corporal oath to a Captain not being of a lawful age. He concluded with ſaying many of our guardſhips were now not half manned, nor ever would be with volunteers, if the ſervice was not put on a more reſpectable footing, and the pay of the able ſeamen increaſed to 30s. a month, and ſome ſcheme planned for providing for their wives and families: For deſertion was now as great as it was even in the laſt unhappy, diſgraceful, and expenſive war; when people were preſſed into the ſervice to fight againſt their friends and relations, the North Americans; a war as unnatural, as ruinous in the event, to this country. That ſomething ſhould be thought of, and ſoon; peace was the time for putting the navy on the footing it was formerly. If it was not, he ſhould move the Houſe to appoint a Committee, as there were now ſea officers to form one; men of abilities every way competent to the ſubject; who, by ſummoning to their aſſiſtance ſome Admirals and Captains, might frame, and then recommend a well-regulated and complete ſyſtem of inſtructions and laws to the then Lords Commiſſioners for executing the office of Lord High Admiral of Great Britain and Ireland; in order to be laid before His Majeſty in Council, that officers might know how and what to obey.

Sir John Jervis.

Sir *John Jervis* complained of the ſtate of thoſe King's ſhips, frigates, ſloops, and cutters ſent againſt ſmuggling veſſels, and ſaid, ſome regulations were actually neceſſary in that ſervice. At preſent he believed the officers of moſt of His Majeſty's ſhips and veſſels employed againſt the ſmugglers, were in a ſtate of war with all the officers of the revenue and of the cuſtoms. While this bad underſtanding prevailed, it was impoſſible to expect any effectual check could be given to ſmuggling. He ſtated the difficulties that aroſe from it, which, added to the difficulties otherwiſe incidental to the ſervice, rendered the whole application of military and maritime force inadequate to the purpoſe for which it was deſtined. Sir John ſaid, he hoped that ſome immediate regulations would be eſtabliſhed, and among others, that His Majeſty's naval officers employed againſt ſmugglers, would be allowed a larger ſhare of the ſeizures in future, ſo that the improvement of their reward might operate as an inducement to them to be more alert and zealous in the ſervice.

Lord

Lord Mulgrave.

Lord *Mulgrave* said, he could not help differing somewhat from the honourable gentleman in the red ribband. The system of employing His Majesty's ships and vessels against smuggling was a fallacious system. He knew the popular idea was, that by employing His Majesty's frigates, sloops, and cutters on this service during a peace, a nursery was provided for our seamen, and the revenue considerably assisted. It was also imagined that the service was carried on at no expence; for that the seizures paid, and more than paid, all the cost of it. Nothing, his Lordship declared, could be more delusive and untrue than the whole of this opinion. The fact was, and experience during the continuance of the last peace proved it, that not one year in ten did the seizures produce one half of the amount of the expence; and as to the service being a nursery for our seamen and officers, it ruined both. The honourable gentleman who spoke last, he doubted not, would, like himself, much rather receive an officer from any service than the smuggling service. He scarcely ever knew one who had been employed upon it, that was worth having upon any other. His Lordship said, he trusted that the means in contemplation to check smuggling would, when brought forward, prove to be extremely different, and, like all his right honourable friend's measures, would turn out to be manly, vigorous, and effective.

Sir Thos Frankland

Sir *Thomas Frankland* said, he had before forgot to state another circumstance, which called for reformation, and that was, the incompetent manning of the guard-ships. One ship was stated upon the books to have 1000 men for her complement, whereas in fact she had not 450 on board.

The resolution passed; and afterwards the customary second resolution for the men's pay of 4l. per man per month.

The American Trade bill was committed, and the Solicitor General took the chair.

Mr. Dempster.

Mr. *Dempster* desired to know whether the bill differed materially from the former bills on the same subject; and expressed an apprehension that repeated delays of a proper system of trade might be attended with great and permanent inconveniences to commerce. He also intimated an opinion of the expediency of giving access to the Americans, in small vessels of a limited size, to the West Indies.

Mr Chancellor Pitt.

Mr. Chancellor *Pitt* said, he was glad to be called upon to state the nature of the present bill, which would pursue verbatim the former bills on the same subject, and to which it was proposed to give the duration of a month only. As to the system of trade to be adopted, he hoped soon to bring that

that confideration before the Houfe, and fhould be very glad if proper meafures could be decided before the expiration of the act now propofed. As, however, that act was neceffary for the regulation of very diftant places, gentlemen would fee the propriety of renewing it, whilft the farther confideration was going forward.

Mr. *Eden* obferved, that the proceeding of the day, and the expreffions of the right honourable gentleman refpecting it, called for fome farther explanation. Surely, when the prefent bill was propofed on the fecond day of the feffion, the right honourable gentleman had fignified to the Houfe his intention to lay before the Houfe immediately the Report of the Committee of the Privy Council, who were faid (and he believed with juftice) to have beftowed a very laudable and efficient attention on the feveral great queftions involved in the North-American trade, and in the degree of intercourfe to be opened to the Weft Indies. Mr. Eden hoped, that from the filence now obferved on that fubject, he was not to infer that the proffered information was to be kept from the Houfe, and yet that the Houfe was to be called upon for an opinion refpecting the great points to which that information related. Mr. Eden.

Mr. *Dundas* faid, he earneftly hoped that the right honourable gentleman would not perfift in preffing his right honourable friend for the Report of the Privy Council: that Report had only been compleated that day, and contained many matters of opinion, and other particulars, improper to be made public. Undoubtedly the Houfe ought to have fufficient and fatisfactory information; but in giving it, due regard muft be had to caution and found difcretion. Mr. Dundas.

Mr. Chancellor *Pitt* faid, it was certainly true that he had intimated an intention to accompany the prefent bill with a copy of the proceedings upon the fubject before the Committee of Council: he had not yet had time to perufe the final ftatement of the Report; if it was blended with any particulars improper to be made public, his promife could not be conftrued to imply a difclofure; but he fhould think it certainly right to give all fatisfactory information to the Houfe. Mr. Chancellor Pitt.

Mr. *Eden* replied, that he never meant to confider the Chancellor of the Exchequer as having committed and pledged himfelf to give information on the fubject in any peculiar form, or to any certain extent: perhaps the Committee of the Privy Council might have obviated all difficulty, by collecting the mere materials of information, and their Mr. Eden.

their ſtatement of evidence, in one Report, and by reſerving their own opinions and advice for a ſeparate Report. But certainly the Houſe would not be required either to ſee with the eyes, or to hear with the ears, or to judge through the intellects, of the Committee. It was a great and important queſtion: the Miniſters properly felt it their duty to propoſe a meaſure upon that queſtion, and they would ſurely feel it a point both of duty and of candour to give the information by which they were led to form a judgement; and it was a matter of indifference to him, and he ſuppoſed to others, whether they gave an extract or a detail, provided that the extract was ſufficiently faithful and full. He admitted, however, that it would be right, as he foreſaw that the inveſtigation would require time, to extend the preſent bill to the firſt of Auguſt.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* ſaid, that he thanked the right honourable gentleman for his candid conſtruction, and certainly meant to give all ſatisfactory information. He added, that he had no objection to extending the bill to the day propoſed. The blank was filled up accordingly with the "firſt of Au-"guſt, 1784," and the Solicitor General quitted the chair.

Mr. Fox. Mr. *Fox* preſented a petition from certain electors of the city of Weſtminſter, complaining that no return was made, and that they were liable to be taxed, though unrepreſented in Parliament; the petitioners therefore prayed the Houſe to take the facts alledged into their immediate conſideration. Mr. Fox moved, as ſoon as it was read, "That the petition "do lie on the table."

Mr. Dundas. Mr. *Dundas* urged the impropriety of any ſuch motion, as it would put the Houſe into this abſurd predicament:— when they had heard and decided upon Mr. Fox's petition, the hearing of which was in progreſs, they would have the ſame cauſe to try over again, as the petition juſt read was for the moſt part preciſely the ſame with that of Mr. Fox; Mr. Dundas therefore moved, by way of amendment, to leave out the words "do lie on the table," and inſert, "be taken "into conſideration with that of the right honourable "Charles-James Fox."

Mr. Rolle. Mr. *Rolle* roſe to ſecond this amendment, declaring that the buſineſs of that Houſe ought not to be retarded; that however Mr. Fox and the Weſtminſter electors might wiſh to lead the Houſe, and take up their time, he had an eſtate and property which he was deſirous of looking after, and having no views to hereafter, and no object within thoſe walls but ſerving his country, he wiſhed to go on with the public buſineſs

ſineſs without delay. The right honourable gentleman might think he could ſtill lead that Houſe; but he truſted he would find himſelf miſtaken; and if he thought he could lead the People, let him only go into the country and hear their ſentiments, and he would be convinced of his error.

Mr. *Fox* replied, and ſaid, Mr. Rolle might boaſt as much as he pleaſed of his eſtate and his property, but he truſted the cauſe of the electors of Weſtminſter was of more conſequence than the private intereſt and private concerns of any individual. It was a cauſe by which the very vitals of liberty would be affected. It was not the cauſe of this or that man, but the cauſe of the country. It referred to no leſs a queſtion than the relation that repreſentation had to taxation. Let the Houſe remember that queſtion had already ſhaken this empire to its foundation, and let them beware how they ſtirred it again raſhly and ill-adviſedly. The electors of Weſtminſter were undoubtedly not repreſented; they had a right then to complain, and eſpecially when they were about to be taxed, and to have their money taken out of their pockets. He truſted they had yet friends enow in that Houſe to ſtand up in their defence; and however the honourable gentleman might deſpiſe the electors of Weſtminſter, that the Houſe would not deſpiſe a body who paid ſo large a ſhare of the public taxes. Mr. Fox ſaid, the Houſe might diſpoſe of the petition as they pleaſed, he had done his duty in preſenting it, and would not divide the Houſe upon it. Mr. Fox.

A good deal of debate enſued, till Mr. *Welbore Ellis* recommended, as the petitioners might wiſh to be heard by counſel, that the farther hearing of Mr. Fox's petition might be adjourned till next day, to give the petitioners time to prepare themſelves, that the hearing of the two petitions might go on *pari paſſu*. Mr. Welbore Ellis.

Mr. Chancellor *Pitt* accepted the propoſal; but pointed out the indulgence ſhewn by the Houſe on the occaſion, by thus ſuffering Mr. Fox to be heard twice as an accuſer againſt the High Bailiff. Mr. Chancellor Pitt.

At length it was moved and carried, "That the petition of "the electors of Weſtminſter be heard with Mr. Fox's peti- "tion." It was then moved and carried, "That the farther "hearing of Mr. Fox's petition be adjourned to Wedneſday."

June 1.

Mr. Morton, from the Eaſt-India Houſe, preſented a paper, entitled, "Report of the Court of Directors of the

"East-India Company, containing such farther information "as has been received since making up their Report, present- "ed to the House on the 16th of February last."

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* observed to the House, that the Report presented in the last session had, in his opinion, been properly referred to the consideration of a Select Committee, but that the period put to the session had prevented any Report being made to the House. It would now therefore, he presumed, be the sense of the House, that both Reports should be referred to a Select Committee, and he made a motion accordingly.

Mr. Eden. Mr. *Eden* said, that he seconded the motion, but must be permitted, from the circumstances in which he found himself upon the subject, to make a few remarks respecting it: he was glad, therefore, that the House was not ill attended, though much thinner than it had hitherto been, probably because the business of the day was understood to relate only to the commerce and possessions of the East Indies, and not to the Westminster election. He would begin by acknowledging the right honourable gentleman's candour in having made to him a previous communication of the present question, and having expressed a wish to see his name in the new Committee. He would own, that on the first intimation he had meant to decline that honour, and would state his reason. The inquiry had been pursued to a considerable length by the late Committee, who had collected ample materials for the information of Parliament, but had postponed their Report, solely from a sense of delicacy towards the Directors, whom it was wished to examine upon several seeming contradictions between their statements and the accounts of their own accountants. In this stage of the business, though by the fate of political war the Committee had lost the respectable assistance of Sir Grey Cooper, Sir G. Elliot, and Sir A. Ferguson, whose absence from the present session he sincerely regretted, it appeared to him somewhat hard to be called upon to resume the investigation *de novo*, and under symptoms, in the opinions of many, though certainly not in his opinion, that more was meant by the new additions to the Committee than a mere completion of a prescribed number, or a reinforcement of impartial abilities. Notwithstanding this, and upon due consideration, he inclined to think that his first impression of the subject was wrong, and that instead of feeling chagrined at the proposal of new names, he ought to be pleased with it. He would not introduce the remark with the ordinary affectation of seldom reading newspapers, but would

fairly

fairly say, that he had repeatedly seen himself accused in the public prints, of an eagerness to depreciate the credit of the East-India Company. Being conscious that, through life, he had neglected no opportunity of promoting the just interests of trade and commerce, he was not touched by a calumny of this kind, which, like the various calumnies of the times, would in due season recoil on those who used it. Such a calumny, instead of creating in him the hostile disposition which was falsely attributed to him, tended only to give him a jealousy of himself, which he had not before felt, and to add to the caution which he had always thought right in the present inquiry. With these sentiments he was become desirous to see the Committee supplied with gentlemen particularly attached to the present Ministers, and (if there were any such) of a description sanguinely disposed to exalt the resources and credit of the Company—He even hoped that his learned friend (Mr. Dundas) who sat next to the right honourable gentleman, would lend his presence to the Committee; he would intreat him to take the chair, which he himself had hitherto unworthily filled: he would intreat him farther, upon due examination, to take the charge of penning the Report, and would gladly bear his humble testimony to the learned gentleman's impartiality and fairness in conducting the inquiry. Mr. Eden next stated, that he conceived it to be unnecessary to give the House the trouble of balloting, on which nearly a day would be wasted to no purpose, as there was no wish among those with whom he acted, to offer any list differing from that which might be acceptable to the other side of the House. He desired, in concluding, to state a circumstance of much importance, which he thought was mis-stated in the petition of the Company—That petition asserted, that the acceptance of a great number of bills was postponed, "because the bills were drawn contrary to law:" the fact was not true; a great proportion of those individual bills had been drawn pursuant to an authority obtained by the Directors from the Treasury, in August, 1781, under the powers of the act of Parliament, to the amount of 500,000l. and transmitted by the directors to Calcutta. He thought it fair to give early notice of this circumstance, that those might be apprised of it, whose duty it was to act upon it; in his own private opinion, it made little difference, as he thought, that the credit of the Company essentially required some adequate provision being made for all the unaccepted bills;

bills; and the postponement ought never to be attempted, without the full consent of the bill holders.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* replied, that he would willingly adopt the mode of nomination proposed, as it tended to save time, which certainly was a consideration of much importance to Parliament and the Public; and that he would propose four gentlemen, in the room of the three worthy Baronets, and of Mr. R. Smith who had declined serving. He hoped, that such friends as he should name, were, in one sense, disposed to exalt the Company; not, however, by partial representations, but by promoting its commercial advantages and good government.

Mr. Baring.

Mr. *Baring* suggested, that in the mean time it might be right to take some step towards giving a dividend to the Proprietors, as the day was to come in little more than four weeks.

Mr. Eden.

Mr. *Eden* submitted that this would be improper and premature whilst an enquiry was depending, the result of which might, in a fortnight, be laid before the House.

To this Mr. Chancellor Pitt assented; and then moved all the names separately, after the Speaker had shewn a precedent for that mode of proceeding *.

June 2.

The House having resolved itself into a Committee of the whole House (Mr. Gilbert in the chair) the Committee proceeded to take into their consideration the several Reports made by the Committee of the last House of Commons, on the subject of the illicit practices carried on to the detriment of the revenue.

* The names of the Committee were,

Right hon. William Eden
George Dempster, Esq.
Henry Beaufoy, Esq.
Henry Strachey, Esq.
William Hussey, Esq.
Henry Banks, Esq.
Right hon. Lord Beauchamp.
Sir George Shuckburgh
Philip Yorke, Esq.
Henry Thornton, Esq.
Brook Watson, Esq.
Right hon. H. Dundas *
Charles Brett, Esq. *
John Call, Esq. *
John Anstruther, Esq. *

Those marked thus * were the new members.

Mr.

Mr. Chancellor *Pitt* obferved, that after the great pains that had been taken by the Committee to inveftigate the different modes in which fmuggling was carried on, as well as the extent of the lofs the revenue fuffered in confequence; and after the very able, explicit, and intelligent Reports the Committee had made to the Houfe, proving in the cleareft manner, that fmuggling already prevailed to fo confiderable a degree, as to injure the public revenue to a very alarming extent, and to threaten its total ruin, if fome meafures were not almoft immediately taken to check its progrefs: the Houfe would naturally fee, that it was his duty, as early as poffible, to propofe fome means for this purpofe—The Committee, the Houfe muft have obferved, had very wifely made their inveftigation as broad as their time and opportunities for enquiry would admit; and they had, with great good fenfe, fubmitted to the confideration of Parliament, a variety of opinions, founded upon authentic information, and upon fuch fuggeftions as appeared to them to be the moft practicable for the better prevention of this evil for the future. What had impreffed his mind, therefore, as the firft ftep to be taken on this occafion, was, to felect out of this mafs of opinions, fome few, that were not fo much calculated for application to particular and minute branches of fmuggling, as for the general prevention of that practice. Many regulations, referring fpecifically to the different fpecies of fmuggling would undoubtedly be neceffary; but circumftanced as the country was at prefent, he thought it more prudent and more likely to anfwer the end, for Government to come forward immediately with fome vigorous meafures, and fuch as were likely to prove efficacious, and to leave the leffer channels of fmuggling to be ftopped and dammed up at a future opportunity; under thefe confiderations he fhould move a refolution, "That it was the opinion of the "Committee, that leave be given to bring in a general "bill for the better prevention of fmuggling." This bill he meant to direct to a few of the grand caufes of the prevalence and the extent of the practice, aiming it at fuch as prefented themfelves as objects that called for immediate provifion and immediate remedy. The principal regulations which his bill was defigned to contain, would therefore go to thefe feveral points: Firft, to an extenfion of the hovering laws, fo as to give them operation with refpect to veffels met at a limited diftance from the coafts

Mr. Chancellor Pitt.

in the four ſeas — Secondly, as it was well known, that veſſels of a certain dimenſion and burthen, were built for the ſole purpoſe of being employed in carrying on ſmuggling practices, to prevent the building of any ſuch veſſels for the future, without a ſpecial licence from the Admiralty — Thirdly, to enact, that when veſſels were once lawfully ſeized, ſuch veſſels ſhould on no account be returned again to the ſmugglers, ſince, in conſequence of this rule not having been ſtrictly obſerved, the practice of ſmuggling was kept alive and cheriſhed, and, as it were, perpetuated — Fourthly, not to ſuffer any veſſels to go armed beyond a certain extent without a licence from the Admiralty — Fifthly, to provide ſome regulations for the better ordering of the clearances of veſſels of every deſcription, many ill conſequences having been found to have ariſen from their being ſuffered to ſail in ballaſt, &c. without any clearance — And Sixthly, to enlarge the powers of ſeizure, by authoriſing officers of the revenue to ſeize every veſſel having on board contraband commodities in packages of a ſmaller proportion than allowed by law; this, he ſaid, would, he conceived, have a conſiderable effect upon thoſe grand ſtaples, as illegal commodities, tea and ſpirits. Theſe altogether, added to many other ſubordinate regulations which gentlemen would find in the bill, and which would be more fit ſubjects of diſcuſſion in a ſubſequent ſtage of the buſineſs, when the bill ſhould be properly before the Houſe, would, he truſted, go a conſiderable way towards checking and preventing an evil but too notoriouſly prevalent. Mr. Chancellor Pitt concluded with moving, "To declare it to be the opinion of the Committee, that leave be given to bring in a bill for the more effectual prevention of ſmuggling." The reſolution was agreed to, and ordered to be reported to the Houſe this day.

Mr. Fox preſented a petition from certain electors of Weſtminſter, deſiring to be heard by their counſel in ſupport of the allegations of their petition, delivered on Monday laſt. The petition was read, and, upon motion, the prayer of it ordered to be complied with.

Lord Mahon preſented a petition from Thomas Corbett, Eſq. the High Bailiff, praying to be permitted to be heard by his counſel againſt the ſaid petition of the electors; the prayer of the petition was granted.

The

The noble Lord then presented a petition, praying that the High Bailiff might be directed to go on with the scrutiny — He moved that this petition be heard with the others.

After this, the order of the day was read for hearing of counsel on the petition of Mr. Fox, and counsel were called to the bar; they spoke, and afterwards examined witnesses.

June 3.

Mr. *Sawbridge*, who had given notice that he should on this day move the House, on the subject of a reform in the representation of the people, said, that he understood it was their wish, that he should put it off for a few days, in order to finish the important business before them; in deference to the general wish of the House, he would readily postpone his motion: he offered the undertaking to Mr. Chancellor Pitt; not, he said, from compliment, for any insidious purpose, but from a conviction, that it would be in better hands, and that in such hands it would have the best chance of success. Mr. Sawbridge.

Lord *North* said, that he willingly consented to postponeing the worthy magistrate's motion; not that he wished the motion to be brought on upon Monday next, for he would neither deny his real objections to the motion, nor affect a zeal for it which he did not entertain; he would be very glad to see it postponed *ad Calendas Græcas*. If that, however, could not be done, he hoped it would be deferred till Tuesday, as it was a general wish previously to finish the discussion of the Westminster election. Ld. North.

Mr. Chancellor *Pitt* said, with a smile, that he was happy to support a proposition of the noble Lord, and pressed for Tuesday in preference to Monday, for fear they should not be able to finish the business of the Westminster election that evening, though he hoped they should. He could not however agree with the noble Lord in wishing the motion postponed *ad Calendas Græcas*. Let it be brought on whenever it might, he certainly must wish it success, which he did most sincerely. With regard to the offer of putting the business into his hands, which the honourable gentleman had made in so handsome a manner, and in a manner so very flattering to him, he returned him his thanks, and gave him full credit for his sincerity, in Mr. Chancellor Pitt.

respect to the having brought the subject forward thus early, from an idea that the circumstance would conduce to its success; but he must beg leave to suspend accepting the offer, having great doubts whether this was the moment most proper for bringing the subject before Parliament with any hope of success, and still greater doubts, whether the precise motion, the honourable gentleman declared he meant to propose, was that most likely to serve the cause, to which he looked with sincerity and zeal, in common with the honourable gentleman.

Mr. Eden. Mr. *Eden* took notice of the new coalition between the noble Lord and the right honourable gentleman, who were at length seen close to each other upon the same bench, and supporting jointly the same point. [Lord North sat by accident on the Treasury Bench] It was, however, a coalition to which he could not accede; he did not think the choice of the two days very material, but wishing earnestly for the failure of the worthy magistrate's motion, and wishing also to have that failure take place in a full House, he could not help expressing a fear that the attendance of gentlemen would be thinner after the decision of the Westminster election. His own attendance was always the same; but he feared that this would be the case.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* earnestly deprecated such a suspicion of Parliament; it seemed to imply that gentlemen attended from a party view, which was not the case on his side of the House: and he hoped, exclusive of party spirit, there was public spirit enough in the House to prompt them to do their duty, and that gentlemen would equally attend on the great and important national questions to be afterwards brought forwards in Parliament.

Ld. North. Lord *North* replied, it was impossible that there could be any party view blended in the Westminster business; it involved questions of the highest essential importance to the nation, and he did not know that the retaining an individual in his seat, or depriving him of it, could answer any possible party view.

Mr. Burke rose to say a few words; upon which,

Ld. Mahon. Lord *Mahon* called to order, and desired to know—what question was before the House?

Mr. Burke. Mr. *Burke* rose immediately, and ridiculed the noble Lord's impartiality, which had induced him to listen patiently to four or five speeches, without any question being before the House, but would not suffer him to hear one of his.

his. The old proverb, he observed, held that "the last feather always broke the horse's back;" the noble Lord, like a stately camel, in like manner, had borne heavy burdens, but could not now bear the weight of his bunch on his back. With regard to being out of order, he begged leave to remark, that a discourse relative to the settlement of another day for the consideration of business that had been appointed for the day on which the discourse was held, was by no means disorderly, but, on the contrary, might save much time, and prevent discourse hereafter, that might be exceedingly disorderly. Having said thus much, he would say a word or two on the subject of parliamentary reform, a subject which ought undoubtedly either to be fairly met, and if a reform be really necessary and practicable, that reform ought to be made at once, or the question set at rest for ever. The keeping it as a political play-thing, to be taken up, or laid down just as best might answer the purposes of ambition or convenience, was what could never be right, and what ought not by any means to be endured. This reform of Parliament was, he said, a pretty subject for men out of office to handle; but he observed, that when they got into place, they did not choose to meddle with it, or rather they thought it wiser to extol it to the skies, to talk of its expediency, but always to find an excuse in regard to the time, declaring that the proper opportunity was not come. From all this he conjectured, that the situation of a Minister was unpropitious to a parliamentary reform, and that to serve the Prerogative was a fitter and more convenient thing, under such circumstances, than to serve the People. Hence the attempts, and, he was sorry to say, the successful attempts, to obtain a servile Parliament, to pour upon the Throne an inundation of addresses, all exalting the Prerogative, and by the vilest and most miserable arts contriving to delude and deceive the People.

Mr. *Wilberforce* called Mr. Burke to order, and said, he was sorry to interrupt the honourable gentleman, but he could not sit still and see so ill an use made of the House's indulgence, without taking notice of it. There was no question before the House; and the honourable gentleman must know, if he went on in that manner, replies, and those equally strong, would be made from that side of the House, in which case, in all probability, the Speaker would interpose, and put a stop to so disorderly a debate; he thought it therefore much wiser, that it should be stopped, where it was, and before it proceeded into greater disorder. Mr. Wilberforce.

The Speaker ſaid a few words; and Mr. *Burke* contented himſelf with obſerving, that for aught the Houſe knew, he intended to move a queſtion before he ſat down.

Mr. Huſſey. Mr. *Huſſey* ſaid, he had never before opened his lips in that Houſe on the ſubject of parliamentary reform. He profeſſed himſelf a ſincere well-wiſher to ſuch a reform as ſhould give the People a more complete repreſentation within thoſe walls; but then he was not for precipitating any motion upon the ſubject, merely with a view to embarraſs the Miniſter, and to throw him into a dilemma. He would not only defer it for a week or ſo, but for the whole ſeſſion. At the ſame time, he wiſhed not to have it poſtponed *ad Calendas Græcas*; he wanted to know the opinion of the People upon it; he had not, as he remembered, heard any thing from them reſpecting a reform lately. When they aſked for it, it would be ſufficiently early to ſet about; and whenever a reform was attempted, he ſhould be of opinion that it ought to be made in a manner moſt agreeable to the wiſhes of the People.

Mr. Sawbridge. Mr. *Sawbridge* ſaid, he had no wiſh either to embarraſs the Miniſter, or to precipitate the ſubject of a parliamentary reform, by bringing it forward as early as he propoſed. His intended motion was not an ultimate meaſure; it was merely to inſtitute a Committee, that an enquiry into the preſent ſtate of parliamentary repreſentation might be begun. He did not mean to puſh the matter farther the preſent ſeſſion; let it be ſet on foot in earneſt, and he ſhould be contented under the expectation of its being carried into effect. He declared he was ſincerely of opinion, that bringing a motion for the inſtitution and appointment of ſuch a Committee, forward thus early in the ſeſſion, was ſeizing the opportunity moſt likely to prove propitious to the cauſe; he ſhould, therefore, make his motion on Tueſday.

The Houſe then proceeded to the farther examination of witneſſes on the queſtion of the Weſtminſter election; and a diviſion took place on a motion, "That the High Bailiff "ſhould be ſuffered to bring evidence to the bar, that there "were many bad votes obtruded on the poll."

Ayes	—	180
Noes	—	81

The farther hearing was adjourned.

June 7.

A considerable time was spent in receiving and discussing various election petitions. One from Hereford, against the Earl of Surrey, who was returned for three places, was, upon that account, ordered to be heard next after the double returns.

The House proceeded again to the Westminster business. After witnesses were examined, the High Bailiff made his defence, and Mr. Fox's counsel replied; and the House having thus concluded the evidence and hearing of counsel, adjourned the farther consideration of the subject to the next day.

June 8.

As soon as the order of the day was read for the farther consideration of the Westminster election,

Mr. *Welbore Ellis* rose: he observed that the counsel on all sides having closed their evidence and their arguments, it remained now for the House to apply that evidence, and those arguments, and finally to determine what farther steps it might be necessary to take, in order to bring the business of the Westminster election to a conclusion. The question before the House was a plain question of law; and though gentlemen might endeavour to perplex it, yet it might be decided by any man who was conversant in the law of Parliaments. He then laid down this proposition as an undeniable maxim, that in the exercise of the ancient prerogatives of the Crown, derived from or coeval with the common law, the King (when he exercised them with sound discretion) was absolute; for if in those points he was not absolute, the very end for which these prerogatives had been entrusted to him by the constitution, would be defeated, to the great detriment of the People at large. Now, of all the prerogatives of the Crown, the highest and noblest was that of calling Parliaments; the necessity that Parliaments should meet, was so obvious, that the wise framers of the constitution had vested in the King the absolute prerogative of calling them; and ordering them to meet when and where it should appear to him most conducive to the public good. But if his commands relative to election, and meeting of Parliament, were not absolute, then might Sheriffs and other returning officers, by disobeying the commands of the Sovereign, frustrate all his designs for the benefit of the State, and totally prevent the meeting of Parliaments; Mr. Welbore Ellis.

ments, however necessary they might be to the nation. This rule then being laid down, he said he would apply it to the case now under the consideration of the House. The King having, by the advice of his Council, thought proper to call a Parliament, and having judged it expedient that it should meet on the 18th of May, issued his writs to the different Sheriffs, and laid his commands upon them, that they cause members to be chosen to sit in the House of Commons; and that they should return their writs with the names of the members, on or before the 18th of May. Now the question was, whether these commands were peremptory, and absolutely binding, or not. In his opinion, they were peremptory; for more mandatory, positive and express, no man could devise, than those which were contained in the writ; and indeed the most dangerous consequences might ensue, if they were not so; for if the returning officers should once be able to establish this point, that they have a discretion whether they will return the members on the day specified in the writs, or not, then it must be admitted that the meeting of Parliaments would depend, not on the will of the King, whom the constitution had made the sole judge of the time when they ought to meet, but on the whim, the caprice, the corruption, or the partiality of returning officers; and then perhaps something worse might happen than the not having any Parliaments at all; for then there might be packed Parliaments, which being the mere creatures of ministerial influence, might vote away the liberties and property of the people. He held himself therefore justifiable, in insisting that the returning officers were bound at common law, as well as by statute, to return the names of the members with their writs; and he was fortified in his opinion by the silence of the journals, which silence was pregnant with conviction, that our forefathers thought the order in the King's writ peremptory, mandatory, and absolute, to return the members on the day specified in the writs; for in all the Journals there was not one single instance to be found, in which a returning officer had ventured to return members, after a general election, on any day after the writ was made returnable. The High Bailiff's conduct then was, in his opinion, contrary to the ancient and known law of the land. He heard one argument or plea urged as a justification of this conduct, and this was the oath of the High Bailiff, by which he was bound to make a return of such candidates as should in his judgement appear to have a majority of legal votes;

votes: it was by this oath, that the gentlemen on the other side of the house had endeavoured, through the course of the examination, to justify the disobedience of the King's orders conveyed in the writ to the Sheriff of Middlesex, and by the Sheriff's precept to the Bailiff of Westminster, to return, on or before the 18th of May, two members to serve that city. But the justification built on this oath would not, he believed, be found satisfactory; for, in the first place, those who had recourse to the oath as an exculpation of the Bailiff, must prove that there was a difference between the oath taken by a Sheriff and that which was taken by an inferior returning officer; for otherwise this absurdity would arise, that the King's command to the Sheriff would be peremptory, for the reasons he had already given, while, in contradiction to those reasons, they would leave a discretionary power to the Bailiff (who by the bye derived his whole authority from the Sheriff's precept) to return the members, whenever he should think proper; so that the inferior officer would be left at liberty to act according to his own judgement, or as his caprice should lead him, while his superior would be under the necessity of paying implicit obedience to the King's commands. This was the task which those gentlemen must undertake, who should attempt to justify, by the oath, the Bailiff's disobedience to the common law, which enjoined obedience to the orders of the Sovereign, contained in his writs. When he insisted that the oath was not a justification of the Bailiff's conduct in not making a return of members on or before the 18th of May last, he did not mean to detract, in the smallest degree, from the sacred obligation of an oath; he contended only, that the inferior returning officers should make up their minds in the same time which was allowed to their principals; and as Sheriffs were bound to form their judgement, so as to make the return of members on or before the day appointed for the meeting of a new Parliament, so he would have Bailiffs and other inferior returning officers bound in the same manner, and not left at liberty to sport with the Public, by withholding their returns under the specious plea of not having sufficiently satisfied their consciences with respect to the legality of the votes appearing on their several polls. He begged the House would recollect, that returning officers were not the only persons who took oaths, to pronounce a judgement according to their conscience: all Judges took such oaths; but did it follow, that because they were bound

by

by oath to decide according to the dictates of conscience, that they were to take what time they pleased to satisfy their conscience? Certainly not: a reasonable time was certainly necessary; but in some cases, and those too of the utmost magnitude, as affecting the very lives of men, the law did not leave the Judges at liberty to take what time they pleased for satisfying their consciences. In the case of Juries, gentlemen knew very well that whenever they left the Court to deliberate on a verdict in case of life and death, the law, in order to take from them the discretion of employing as much time as they pleased in forming their judgement, shut them up in a room, without victuals or fire, until they were agreed in their verdict; so that the law allowed no longer time to Juries for making up their minds, in all cases of life and death, than a man might live without food or fuel. He trusted the House would agree with him, that a returning officer would do much less mischief in returning a candidate not duly elected, than a Jury could do by capitally convicting a prisoner not legally found guilty: in the latter case the judgement would be final, and without appeal; whereas in the former, the error might be set right by a Committee of the House of Commons; and yet the Bailiff called for ten times a longer term for making up his mind respecting a return, than the law allowed a Jury for acquitting or condemning to death their fellow creatures. Now, with respect to the claim put in by the Bailiff for time to satisfy his conscience, it appeared to him to be very ill founded; because, in the whole course of a long parliamentary life, he had been ever taught to think, that the poll was evidence to and against a returning officer, and that consequently the numbers on the poll ought to be his guide in making the return: to overturn this long-established rule, might be attended with the most serious and alarming consequences, which it was unnecessary for him to point out, as the imagination of gentlemen would readily suggest them. From the opinion he entertained relative to the poll's being conclusive evidence to and against the returning officers, he could not but call the paper given in by the High Bailiff a return, as it fairly stated the numbers polled for all the candidates, and wanted only the formality of the indenture to be a complete return. It was therefore for these reasons that he intended to submit to the House the following motion: "That, it appearing "to this House, that Thomas Corbett, Esquire, Bailiff of "the liberty of the city of Westminster, having received

"a precept

" a precept from the Sheriff of Middlesex, for electing two " citizens to serve in Parliament for the said city, and having taken and finally closed the poll on the 17th day of " May last, being the day next before the day of the return of the said writ, he be now directed forthwith to " make return of his precept, and of members chosen in " pursuance thereof." Before he sat down he observed, that as far as the evidence went relative to what the Bailiff had been told about disqualified persons who had voted, it did not in the smallest degree justify the returning officer in his mind; because it was so very loose, that it did not deserve attention; and if such loose evidence of hearsays should once be admitted as an excuse for deferring the return, it would be at all times in the power of the unsuccessful candidates to prevent the return of their more successful adversaries, by suggesting to the returning officer, that great numbers of disqualified persons had been admitted to poll for them. He concluded with making his motion.

Mr. Anstruther.

Mr. *Anstruther* seconded the motion. He said, that after the learned arguments that had been urged by the counsel at the bar, it would be presumption in him to tread over the same grounds: he would therefore endeavour to touch briefly upon the other topics, from which he hoped he should be able to draw some arguments that would prove the propriety of the motion made by the right honourable gentleman; and first he would examine how the common law stood respecting the question of returns; and next, whether any, or what alteration had been made in it by statute. He first laid down this position, that where no statute interfered, the exigencies of writs, which were founded on the common law, must be complied with in the manner, and within the time specified in the writ: this was a maxim he supposed no man in the House, of any profession, would or could controvert. Now the writs always specified the day fixed for the meeting of the Parliament, and commanded the returning officers to return the writs and the members on or before that day. Now, if the exigency of the writs must be complied with, it would follow of course, that the names of the members must be returned according to the express command contained in the writs; and in corroboration of this common-law doctrine, he quoted the 23d of Henry VI. chap. 15, which said, in the most plain terms, " The King, considering the premises, hath ordained, by authority aforesaid, " that every Sheriff, after the delivery of any such writ to

"him made, ſhall make and deliver, without fraud, a ſufficient precept, under his ſeal, to every Mayor and Bailiff, &c. of the cities and boroughs within his county, reciting the ſaid writ; commanding them by the ſaid precept, if it be a city, to chuſe by citizens of the ſame city, citizens; and in the ſame manner and form, if it be a borough, by the burgeſſes of the ſame, to come to Parliament: and that the ſame Mayor and Bailiffs ſhall return lawfully the precept to the ſame Sheriffs, by indentures between the ſame Sheriffs and them to be made, of the ſaid elections, and of the names of the ſaid citizens and burgeſſes by them ſo choſen; and thereupon every Sheriff ſhall make a good and rightful return of every ſuch writ, and of every return by the Mayor and Bailiffs," &c. Then followed a penalty to be inflicted on every returning officer refuſing to return the perſons elected. Here, he ſaid, was plain proof that no diſcretion was left with the returning officer reſpecting the time in which the return was to be made. The words of the ſtatute were mandatory; and every kind of return ſhort of the members, was an infraction of this law. But this point would appear infinitely more clear from another part of the ſame ſtatute, which ſhewed clearly that the return of the members muſt be made on or before the day fixed for the meeting of a new Parliament. The words were theſe—"Provided always, that every knight, citizen, and burgeſs, to come into any Parliament hereafter to be holden, in due form choſen, and not returned as afore is ſaid, ſhall begin his action of debt aforeſaid within three months after the ſaid Parliament commenced." Here it was evident the perſon injured by a non-return could bring his action any time within three months—after what? after the period when cauſe of action accrued; when the offence or injury on which ſuch action was grounded, was given and completed—and when was that? after the ſame Parliament commenced; that is to ſay, that the injury was completed on the day of the meeting of the Parliament. It was clear that the injury muſt have been ſuſtained before the meeting; it was equally clear that the injury was a non-return; and it as clearly followed, that if the returning officers wiſhed to avoid the penalty of this ſtatute, they muſt, as in duty bound, make a return of the members on or before the meeting of the Parliament; beyond which period the law would not allow them any power, under colour of diſcretion,

discretion, to withhold their returns. This statute was farther corroborated by the 10th and 11th of William III. which had been so often quoted at the bar and in the house. Here then was his doctrine founded in common law, and confirmed by statutes. It was now necessary to inquire whether any alteration of the one or the other had been made by subsequent acts of Parliament. It had been urged, that, by a subsequent statute, an oath had been imposed upon returning officers, by which they were bound to determine according to their judgement. But he would ask whether the same oath was not imposed upon Sheriffs; and whether any lawyer would venture to say that it was less binding upon them than upon Mayors or Bailiffs? It was not urged by any one that a Sheriff could, without committing a breach of his duty and of the law, refuse to return his writ on or before the day specified in it: the law was the same for the latter as for the former; and consequently the inferior officers were bound to return their precepts in due time for the Sheriffs to annex them to their writs; so that the whole should be completely returned before the meeting of Parliament. But he would ask gentlemen when this oath was introduced? It was well known, that from the reign of Henry VI. down to the year 1698, when the 10th and 11th of William III. passed, and from that period, down to the year 1730, this oath was never included in any act of Parliament: in 1730, indeed, it was introduced, for the first time, in a bill brought in for a particular purpose, and merely as an additional obligation on returning officers to act with impartiality. But would any lawyer, or would any man attempt to say, that the common law of the land, and the most positive statutes, were to be swept away and overturned by a side wind—by a particular clause inserted in a private act of Parliament?—Surely no man would venture to say, that laws as old as the Constitution, and founded on the most essential principles of that Constitution, could be done away by any thing short of a plain and positive law; or that an obscure clause in an obscure, because private, act of Parliament, could possibly be construed to operate a repeal of laws founded on principles, without which the Constitution of this country might be annihilated. But it was said, that though the poll could not possibly be continued after the day specified in the writ, yet a scrutiny might. That the poll could not be continued after that day, was fully admitted by the High

Bailiff himself, who, as it appeared in evidence, had closed the poll of his own authority, and not because there were wanting electors to keep it open, under the idea that he could not receive any votes after the day fixed for the return of the precept. The Bailiff having admitted this, it remained for him (Mr. Anstruther) to prove, the scrutiny could not be carried on any more than the poll after the return day; and here he found no difficulty, for it was universally admitted that a scrutiny was in fact a continuation of the poll; for a poll ought to be a scrutiny, and a scrutiny a poll; and therefore as they meant one and the same thing, those who admitted that a poll could not be continued after the day of the return, must also admit that the scrutiny could not be carried on after that day. But not to build his argument merely on the admission of the premises by the other side of the House, he would prove it to a demonstration. It was known to be the law of the land, that if a court of election should be suffered, by chance, to break up without an adjournment, it could never be revived under the authority of the same writ or precept; and this was the case in a scrutiny; for if, before a scrutiny commenced, the court should by accident have broke up, without adjourning to some other day, there would be an end of its power—it could not sit again: and if, after the scrutiny had commenced, the court should separate, without having previously adjourned to some other day, the scrutiny must necessarily break off there, as the court could not sit again; and therefore, as from the beginning of the poll to the end of the scrutiny, the power of the court must be kept alive by successive adjournments, and would expire if, on breaking up of the court, no question of adjournment had been put or carried, he was well grounded in saying, that poll and scrutiny were synonymous terms; and that as one of them must avowedly be closed on or before the return day specified in the writ, the other of course could not be carried on after that day. For these reasons, he held the Bailiff's conduct, in granting a scrutiny, to commence after the return day, to be illegal and unconstitutional; and that it was the business of the House to compel him now to do that which it was his duty to have done on or before the 18th of last month, namely, to make a return of the members elected for Westminster: and for these reasons he intended to give his vote for, and hearty support to, the motion made by the right honourable gentleman.

Lord

Lord *Mulgrave* opposed the motion. He observed, that if there was one thing more happily calculated than another in this government for the good of the Public, it was the inflexibility of the laws, which resisted the whims, underminings, or open attacks of those who felt them inconvenient. If there was any inconvenience, any absurdity, or any injustice in the election laws, he wished some gentleman would bring in bills to amend them; and he would readily concur in any regulation that might be thought prudent, expedient, or necessary: but as the laws now stood, the present question must be determined by them, and not by laws, which might be hereafter enacted. — He had no objection to a law that should prevent the protraction of a poll, by any candidate, to such a length, that no time should be left for an inquiry into the legality of the votes; by which law, such a candidate would be prevented from getting such a majority upon a poll, of disqualified persons, as would secure to him for one, two, or three years, a seat in Parliament, which legally belonged to another. The proposition then before the House was in itself a complete contradiction to, or refutation of the doctrine attempted to be established by the gentlemen over against him; for though they had argued for many days past, as the counsel at the bar had, that the High Bailiff was *functus officio*, yet the motion now before the House called upon that gentleman to do a ministerial act, after his authority, according to their opinion, had actually expired. The learned gentleman who had just sat down, had mentioned some acts of Parliament, to prove that returning officers were bound, without any discretion on their parts, to return the members on or before the day fixed for the meeting of Parliament. As to one of those statutes, he did not believe it was still to be found in our statute books; and as to the other, the 10th and 11th of William III. he would prove from the history of that act, that it did not, and never was intended to, make a provision for the case now under consideration: for, from the Journals of the House, it appeared that this act was passed to check a practice that had grown too much in vogue among the returning officers, to keep their writs a long time after the election was over; and that this was frequently done from corrupt motives, or to answer party purposes: It was for this reason that a clause was inserted in it, to compel returning officers to return their writs within fourteen days after the election: And from an entry in the Journals of the 10th of January and 8th of February, 1698, it appeared that a motion was made, "That it be an instruction to the Committee on the bill, "afterwards

Lord Mulgrave.

"afterwards passed into a law (the 10th and 11th William III.) "that the writs be returned without delay;" and it was remarkable that no such words were now to be found in the act; from which, it might be very fairly inferred, that the instruction was afterwards over-ruled in the Committee. His Lordship insisted that the High Bailiff was bound by his oath to return the candidates who should appear to him to have a majority of legal votes; and surely, in order to comply with the duty imposed upon him by this oath, he must make inquiries, and not make a return merely from the apparent majority; more particularly as he had, from good authority, sufficient reason to believe that a great number of disqualified persons had polled during the hurry of the election. In the first place, he knew that 4000 had voted on this occasion, more than had ever voted in any former election in Westminster. He knew that the poll had been crammed with thousands during the first ten days of the election; and that afterwards it was meagerly and slenderly fed with individuals. He knew that men were kept in readiness to feed the poll one by one, as occasion should require, that the books might not be closed; and that all this was done for the purpose of protracting the election to such a time, that no inquiry could take place into the illegality of the number of spurious votes that had been given. In justice therefore to the candidates who had the majority of legal votes; in justice to the electors, who ought not to have forced upon them a member who was not the object of their choice, the scrutiny ought to be carried on. It had been urged by one of the counsel, that Westminster would have cause to complain, if it should remain unrepresented; but the electors were too wise not to recognize that constitutional doctrine, that members, though elected locally, represent generally; and they would have the satisfaction to know, that if taxes should be laid upon them, they would have them to pay in common with all the constituents of the members who should vote them. They were too wise to take any offence at a scrutiny, undertaken for the purpose of doing them justice, by seating in the House those candidates, whom a majority of legal voters had supported. They loved consistency too well to be offended at not having their members immediately seated in the House; for they had of late years seemed to reserve the honour of their representation for great naval characters, as a reward for their gallant achievements, and services to their country; but in electing them under certain circumstances, it was evident that they did not expect them to take their seats immediately in Parliament: they had chosen

chosen Lord Rodney, when he was in the midst of the glorious career, that had recommended him to their favour; and they knew that he could not, without injury to the public service, be called home to sit in that House: they were satisfied with his services against the enemies of their country; and did not wish him to quit that line of duty in his profession, for another in that House. They had also elected another noble Lord (Hood) for his gallant conduct in the line of his profession; and they were aware, that when his country should stand in need of his abilities as a naval officer, he would be liable to be called away from the senate, to serve his country in another way. They would not be offended if the High Bailiff, through regard for his oath, and respect for them, should take time to enquire into the legality of many hundred votes, which he had been compelled to admit upon the poll, by menaces, and threats of actions and prosecutions. To him the High Bailiff's conduct appeared manly, firm, and inflexible; and perfectly consistent with law and the constitution. Whether the House should think proper to order him to proceed in the scrutiny, he knew not; they were the best judges on that head; for his part, he could see no harm in it, and much good; and therefore he intended to give a direct negative to the motion made by the right honourable gentleman.

The Lord Advocate of Scotland.

The *Lord Advocate of Scotland* (Mr. Campbell) supported Lord Mulgrave. He built his argument upon the oath taken by the High Bailiff, which had made it his indispensable duty to grant a scrutiny, and which would have subjected him to a conviction for perjury if he had made his return contrary to his oath. He said if the election laws of England were like those of Scotland, the case then before the House could never have occurred; for in Scotland no adjournment of the court of election could take place. The election was begun and concluded the same day, and the poll, even during that time, was a scrutiny. He observed, that there were two kinds of impossibilities, physical and moral; and he defied the most ingenious man to discover a difference between their effects; for if it was morally impossible for a man to do a particular thing, it was in effect the same thing to him if it was physically impossible: now all the circumstances attending the poll considered, when from the numbers who had been admitted in the first ten days, at least five persons must have voted every minute; he asked if it was not merely impossible for the High Bailiff to scrutinize the voters as they came to the book; and whether he could possibly make a conscientious return, without an after-scrutiny. One of the counsel at the bar had

ſaid, that a ſucceſſion of generations might take place before a ſcrutiny ſhould be cloſed; to this he would anſwer, that a ſucceſſion of candidates might take place, if polls were to be protracted, as had been the laſt poll for Weſtminſter.

Sir James Erſkine.

Sir *James Erſkine* gave the Lord Advocate the higheſt credit for being the firſt lawyer in the part of the country he belonged to, but he could not admit that the elections relative to Scotch counties (much as he reſpected that country) were applicable to Engliſh cities. That there the whole proceeding muſt be heard in the ſame day, at the ſame place, and without power of adjournment. That here it was a long proceeding, day after day. That to prove the Lord Advocate was not acquainted with the mode of election for Weſtminſter, it was only neceſſary to ſtate his computation, which proceeded upon the idea of there being but one polling place, whereas there were eleven; therefore each vote had ten or twenty minutes to poll in, even on thoſe days when eighteen hundred voters polled.—Sir James took notice of Lord Mulgrave's having deſcribed the repreſentation of the city of Weſtminſter, as a reward for naval merit. He ſaid, he made no doubt but Lord Mulgrave himſelf might, when he ſhould obtain the command of the fleets of his country, and ſhould fight with bravery and ſucceſs, wiſh to be rewarded with the naval honour of repreſenting the city of Weſtminſter. He deſired him therefore to take care how he eſtabliſhed a precedent by his conduct now, that might prove fatal to his ambition hereafter; that ſome perſon, with leſs merit and leſs celebrity might be prevailed upon by that Court faction, which could bind the High Bailiff of Weſtminſter to their will, to oppoſe his pretenſions; and that perſon, though far inferior on the poll, might demand a ſcrutiny. That when this candidate with few votes, and no pretenſions, ſhould be told by his Lordſhip that he had no right to prevent his return, he would tell him with truth that the noble Lord himſelf had eſtabliſhed the precedent, ſo that the High Bailiff alone was the judge of whether he ſhould make the return or not. Sir James argued upon the act of King William, and concluded with obſerving, that this determination might lead to the greateſt abſurdity. That as there was no ſcrutiny in Scotland, that part of the country might, for a conſiderable time, form the whole Parliament; and recollecting, in the moment of their power, the abuſe they had ſuffered in the days of their impotence, might be inclined upon a principle inherent in the human mind, to pay back all they had ſuffered, and put in execution the ſpirit of their motto, *Nemo me impune laceſſit.*

Mr.

Mr. *Powys* declared he rose to ask for information; he begged to know from gentlemen of the learned profession, who sat opposite to him, what the law was, and whether the High Bailiff of Westminster could, or could not, legally commence, and carry on a scrutiny, after the expiration of the writ issued to the Sheriff of Middlesex? He was of the same opinion with the noble Lord, and agreed that the inflexibility of the law ought to be manifested, let its effects be what it would. The question was, how did the law stand? With regard to the different acts of Parliament, he was convinced that the 10th and 11th of William III. did not apply to the case; but there was another statute which did, he meant the 23d of Henry V. While that act remained on the statute books, he conceived no argument would hold that went to establish the doctrine that the High Bailiff was not bound to comply with the exigency of the writ, and to make a return of the two members who appeared to have the majority of votes at the final close of the poll. He said, he had been sometimes thought to follow a whimsical line of conduct, and perhaps the vote that he had given for Westminster might be deemed a whimsical one, when he declared, he voted for Lord Hood and Mr. Fox. As Lord Hood had so great a majority, why did not that noble Lord petition for his seat, that the city of Westminster might have some representative? He was sorry to see so respectable a character condescend to act at the will of others, and to suffer himself to be moved, like a mere puppet, by the Minister. He expressed his entire disapprobation of the conduct of the House, should they rashly attempt to negative the question then before them; for they would thereby establish a precedent, which neither the statute nor the common law ever intended should be laid down.—The learned gentlemen on the other side of the House said much about oaths; it would have been as well if they had the goodness to tell the House, that the returning officer was by law obliged to take an oath, previous to his acting in that capacity, the nature of which, in his opinion, was, that he, the returning officer, should return such persons as should appear to have a majority of legal votes tendered to, and accepted by him on the poll. It was a position clearly evident, that the returning officer was by law, and by the tenour of the writ to him directed, obliged to return those two who had a majority of votes on the poll; he should therefore wish that the House would not rashly pass such a vote this night, (which they most undoubtedly would, if they negatived the present motion) as perhaps they should hereafter wish to counteract. The people at large most undoubtedly

Mr. Powys.

edly would be rouſed at ſuch a conduct; for neither uſage nor law, ſtatute or common, afforded a precedent of ſuch a nature.

Mr. Hardinge.

Mr. *Hardinge* diſclaimed all intention of dealing in technicals, arguing profeſſionally, or in any ſhape ſpeaking like a lawyer; he ſaid, the caſe, to his imagination, had no myſtery in it; it was plain, ſimple, and perſpicuous, obvious to the moſt common underſtanding, and difficult only to thoſe who choſe to make a puzzle of it. An election conſiſted of different parts; of a thing called a poll; of a ſcrutiny, where occaſion aroſe for a ſcrutiny; and of a return to the writ, or ground or ſanction for the whole proceeding. Scrutinies had gone on repeatedly pending the ſitting of Parliament; and he had heard no lawyer yet take upon him to aſſert, that a ſcrutiny was not legal. That being admitted, then it followed of courſe, that the Weſtminſter election was incomplete and unfiniſhed, becauſe a ſcrutiny had been thought neceſſary, and there had not been time to go through with it before the time that a return to the writ was directed to be made to the court from whence it iſſued. What did the motion aſk? It deſired the Houſe to forget, that with regard to elections, it was an appellant juriſdiction, and to act in the firſt inſtance; and that in ſo abſurd a manner, as to direct an appeal to be made before there were materials prepared and completed to form that appeal upon. The High Bailiff, according to the motion, was to make a return upon an election, which election he had himſelf informed the Houſe was incomplete and unfiniſhed. The arguments advanced and preſſed upon the Houſe in ſupport of this motion, appeared to him to be as extraordinary and ridiculous as the motion itſelf. It had been ſaid, that the High Bailiff could not commence and go on with a ſcrutiny after the 18th of May, becauſe on that day his authority, *quoad* the election, ceaſed, and he was *functus officio*; and the very gentlemen who had made this aſſertion had contended, that the High Bailiff, who was *functus officio* on the 18th of May, ſhould be ordered by the Houſe on the 9th of June, to make a return to the precept iſſued to him by the Sheriff of Middleſex: they wanted, therefore, to have a return ſigned by a dead man's hand — A great deal had been ſuggeſted about the old queſtion of the connection between taxation and repreſentation, and tremendous conſequences had been predicted from the revival of a ſubject that had been ſaid to have ſhaken Great Britain

to

to its center — It had been forgotten that this alarming argument applied to every double return, for upon double returns, the boroughs for which such returns were made, were liable to be taxed although they were unrepresented. But this question, applying, as it did, to a variety of other possible cases, had been suffered to remain quiet and at rest till now—It was evident it had been reserved for the compact case of the Westminster election, and now it was brought forward with all the solemnity and pomp that art and ingenuity could cloath it with. With regard to Mr. Grenville's bill, which Mr. Hardinge said no man admired or loved more than he did, he could not but suspect a snake in the grass, from the loud alarms that had been founded of the danger it was in; the noise made upon this subject led him to doubt the sincerity of those who raised it, and to suspect, that it came from the enemies and not the friends of the bill. After arguing, that the bill could receive no injury, because a case that did not fall within its reach was not forced unnaturally under its jurisdiction; he said, all the magic which he saw about the business, lay in what had been termed the exigency of the writ; but that charm was easily broken — A great deal had been said upon this head, but those who had said it, forgot, that in cases of vacancies, scrutinies had repeatedly gone on while Parliament was sitting; that being indisputably the fact, and it being admitted that scrutinies were legal, (for if they were not, all he had advanced was to no purpose) it was obvious to common sense, that the High Bailiff had not acted contumaciously, but the only way in which, from the circumstances of the case, he could act consistently with his oath and with his conscience. With regard to what step the House ought to take, Mr. Hardinge said, to that he had not entirely made up his mind — Two modes of proceeding struck him: either to issue a new writ, and to consider the whole past proceeding as a nullity, or to direct that the scrutiny should be gone on with — The first of these he rather thought the most proper; but as the second was the most lenient to the right honourable gentleman, and would be attended with the least expence and trouble, he should rather be inclined to vote for that.

Lord *North* said, he could not pretend to cope with the learned gentleman who spoke last, either in learning or in abilities, but he would venture to make a few observations on his arguments. He had said, all the magic of the Ld. North.

business lay in the exigency of the writ, and by way of disenchanting the case, and dispelling that magic, had observed, that scrutinies had repeatedly gone on pending the sitting of Parliament, and had asked where then was the exigency of the writ? It was easy to answer this question; and the answer was this: in the case of an election on a vacancy, there was no exigency to the writ; but in case of a general election there was; what was the rule in the one case, therefore, did not apply in the other. The learned gentleman, his Lordship said farther, had declared there was a thing called a poll, and a thing called a scrutiny, and he argued that the election was unfinished — It certainly was, and for that very reason the present motion ought to go, because it ordered the High Bailiff to make a return and finish the election. Whose fault was it that the election was not finished? The fault of the High Bailiff, and of no other person. With regard to the two modes of proceeding recommended to the House by the honourable and learned gentleman, it put the House exactly in the situation of Fair Rosamond in the play, when by order of Queen Eleanor, it was said to her, "Here is a dagger, and here is "a bowl of poison, chuse which you please, but one you "must take." So the learned gentleman offered two propositions to the House, each of them fraught with death. In another part of his speech, the learned gentleman had said, he suspected a snake in the grass, when he heard so much of Mr. Grenville's bill, and that he thought the noise came from the enemies of that bill — He knew not who might be the enemies of that bill, but his Lordship declared he was not of that number. He had opposed the bill originally; but it was well known, that after the House thought proper to adopt it, he had uniformly done every thing in his power to carry it into full execution; and after the experience that had been made of it, he was not only ready to acknowledge it to be a wise, just, and useful statute, but a statute not less convenient and serviceable to a Minister than to individuals. His Lordship very largely discussed the unprecedented nature of the High Bailiff's proceeding; he said, he had heard frequently of a due return, an undue return, a special return, and a false return; but he had never heard before of an historical return.

The Master of the Rolls

The *Master of the Rolls* compared the case to the case of a Sheriff's acting under a *capias ad satisfaciendum*, and went into

into the law argument with respect to the purpose of that writ, and the analogy it bore to the writ of election.

Mr. *Martin* desired to know, if a return was made by the High Bailiff, and a petition delivered upon the ground of that return, whether such a petition was likely to be heard before a Committee under Mr. Grenville's bill in the course of the present session. If he could be assured that it was, Mr. Martin said, he would certainly vote for the motion, ordering the Bailiff to make a return. Mr. Martin

Lord *Maitland* said, he should conceive it must be referred to a Committee on a very early day, because it would necessarily be governed by the same principles that applied to the case of Lord Surrey, Mr. Fox having a petition presented against him for Kirkwall, and therefore, he would stand as a member representing two places, against his election for each of which there was a petition. Lord Maitland.

Mr. *Harrison* thought the conduct of the High Bailiff highly reprehensible — The Sheriff was directed peremptorily by His Majesty's writ to make a return to that writ on the 18th — How was it possible for the Sheriff to obey, if the subordinate officer refused or neglected to make a return to the precept directed to him to chuse two burgesses for Westminster? The High Bailiff was sworn to make a return; why then did he not comply with his oath? Nothing could be clearer, in Mr. Harrison's opinion, than that the House had no option; they could only order the Bailiff to do what he ought to have done before, viz. return the two candidates who at the final close of the poll appeared to have the majority of votes. Mr. Harrison.

Mr. *Macnamara* grounded his argument upon the words of the oath taken by the High Bailiff; that officer was sworn to make a return to the best of his judgement; surely the most arbitrary despots would not compel a man to declare what he had not made up his mind to. That House was not a court of inquisition, and could not arrogate to itself a dominion over the High Bailiff's judgement; he ought to have time allowed him to exercise the means of forming his opinion, with regard to who had the majority of legal votes upon the poll; and what means, Mr. Macnamara asked, were so proper for the purpose as a scrutiny? For this reason Mr. Macnamara said, he should vote against the present motion, and be for directing the High Bailiff to proceed with the scrutiny. Mr. Macnamara.

Mr.

Mr. D. Pulteney. Mr. *D. Pulteney* ſpoke to the following effect: — Sir, I ſhould not have preſumed to trouble the Houſe at this late hour, if I thought the queſtion before us had really deſerved all the eloquence and ingenuity which has been employed upon it both within and without the bar. However intricate it may have been rendered here, I think it really a very ſimple propoſition, and may be contained in a nut ſhell — The right honourable complainant has threatened the High Bailiff with an action in the courts below; I foretel him, that this affair will be decided there in four hours, though it has engaged the attention of Parliament for four days. I conſider, Sir, three modes known to the law for aſcertaining a majority of legal votes — the ſhew of hands, the poll, and the ſcrutiny — Nobody denies the legality of the laſt under particular circumſtances — The ſcrutiny is to the poll what the poll is to the ſhew of hands, *i. e.* a more accurate inveſtigation of that which the returning officer is not already enabled to declare conſiſtently with his oath — The ſhew of hands at firſt would be a final and concluſive election, but that *one* of the candidates ſuggeſts a doubt of improper votes, if it may be ſo called, being given in ſo tumultous an aſſembly — The poll immediately enſues, and ninety-nine times in a hundred the poll is concluſive, and deſerves to be ſo, becauſe the poll is a ſort of ſomething, where the electors are few in number, or where the qualification is ſo widely different as it is in counties, the returning officer may almoſt always make a return from the mere poll conſiſtent with the oath. What is the preſent caſe? The poll is at firſt ſo tumultuouſly conducted, by 1800 polling in ſix hours, that the High Bailiff declares he admitted numbers to poll from the urgency of the caſe, whom he intended afterwards to ſcrutinize. The poll, however, is ſo artfully protracted, as to preclude the demand of a ſcrutiny in the uſual ſtage, *i. e.* before a return — At this period, ſuggeſtions and even evidence are given him of what he declares he has ſo many reaſons to ſuſpect, *i. e.* that there were great numbers of improper names on the poll — The ſuggeſtion comes from *one party* only; it is the ſame when there is an appeal from the ſhew of hands to the poll — This is a ſpecial return without a precedent, and ſo was the election itſelf, from the poll being ſo crouded at the beginning, and ſo protracted at the end. There may be no poſitive law to warrant this return; but the common ſenſe and ſubſtantial juſtice of the caſe, which prevented the High Bailiff from making any other return conſiſtent with his oath, is with me a juſtification of

his conduct. This Houſe, I think, can give him no order to amend the ſpecial return he has already made — for the law which directs a poll, from the uncertainty of the ſhew of hands, undoubtedly admits a ſcrutiny *in certain caſes*, muſt, in common ſenſe, intend to admit a ſcrutiny where the poll ſo nearly reſembles a ſhew of hands as to prevent the High Bailiff being able to return upon his oath the two members duly elected.

Mr. *Fox* roſe, and ſpoke in ſubſtance as follows:

Mr. *Speaker*,

Before I enter upon the conſideration of this queſtion, I cannot help expreſſing my ſurpriſe, that thoſe who ſit over againſt me (the Miniſtry) ſhould have been hitherto ſilent in this debate. Common candour might have taught them to have urged whatever objections they have to urge againſt the motion of my honourable friend before this time; becauſe in that caſe I ſhould have had an opportunity of replying to their arguments; and ſure it would have been fair to allow me the ſlight favour of being the laſt ſpeaker upon ſuch a ſubject. But, Sir, I have no reaſon to expect indulgence, nor do I know that I ſhall meet with bare juſtice in this Houſe. Sir, I ſay, "That I have no reaſon to expect in-"dulgence, nor do I know that I ſhall meet with bare juſ-"tice in this Houſe." **Mr. Fox.**

In conſequence of a murmur from the other ſide, Mr. Fox pauſed, and ſaid, Mr. Speaker, there is a regular mode of checking any member in this Houſe for uſing improper words in a debate, and it is to move, to have the improper words taken down by the Clerk, for the purpoſe of cenſuring the perſon who had ſpoken them. If I have ſaid any thing unfit for this Houſe to hear, or for me to utter — If any gentleman is offended by any thing that fell from me, and has ſenſe enough to point out, and ſpirit to correct that offence, he will adopt that parliamentary and gentleman-like mode of conduct; and that he may have an opportunity of doing ſo, I again repeat, "That I have no reaſon to expect "indulgence, nor do I know that I ſhall meet with bare "juſtice in this Houſe."

Sir, I am warranted in the uſe of theſe words, by events and authorities that leave little to be doubted, and little to be queſtioned. The treatment this buſineſs has received within theſe walls, the extraordinary proceedings which have ſprung from it, the diſpoſitions which have been manifeſted in particular claſſes of men, all concur to juſtify the terms I have adopted, and to eſtabliſh the truth of what I have aſſerted.

If

If the declaration I have made, had happened not to have been ſupported by the occurrences I allude to, the very conſideration of Mr. Grenville's bill is of itſelf ſufficient to vindicate what I have ſaid. That bill, Sir, originated in a belief that this Houſe, in the aggregate, was an unfit tribunal to decide upon conteſted-elections. It viewed this Houſe, as every popular aſſembly ſhould be viewed, as a maſs of men capable of political diſlike and perſonal averſion; capable of too much attachment and too much animoſity; capable of being biaſſed by weak and by wicked motives; liable to be governed by miniſterial influence, by caprice, and by corruption. Mr. Grenville's bill viewed this Houſe as endowed with theſe capacities, and judging it therefore incapable of determining upon controverted elections with impartiality, with juſtice, and with equity, it deprived it of the means of miſchief, and formed a judicature as complete and ample, perhaps, as human ſkill can conſtitute*. That I am debarred the benefits of that celebrated bill, is clear beyond all doubt, and thrown entirely upon the mercy, or, if you pleaſe, upon the wiſdom of this Houſe. Unleſs, then, men are to ſuppoſe that human nature is totally altered within a few months—unleſs we can be ſo groſſly credulous as to imagine that the preſent is purged of all the frailties of former Parliaments—unleſs I am to ſurrender my underſtanding, and blind myſelf to the extraordinary conduct of this Houſe, in this extrordinary buſineſs, for the laſt fortnight—I may ſay, and ſay with truth, "that I expect no indulgence, nor do I know that I ſhall meet with bare juſtice "in this Houſe."

There are in this Houſe, Sir, many perſons to whom I might, upon every principle of equity, fairneſs, and reaſon, object, as judges, to decide upon my cauſe, not merely from their acknowledged enmity to me, to my friends, and to my politics, but from their particular conduct upon this particular occaſion. To a noble Lord, (Lord Mulgrave) who ſpoke early in this debate, I might rightly object as a judge to try me; who, from the fulneſs of his prejudice to me, and predilection for my opponents, aſſerts things in direct

* Mr. Grenville's bill enacted, that the perſons to try diſputed elections ſhall be drawn out of a glaſs, to the number of forty-nine; that the parties in the diſpute ſhall ſtrike from theſe names alternately without aſcribing any reaſon, until they reduce the number to thirteen; and theſe thirteen ſhall be governed by poſitive law, and ſworn upon oath to adminiſter ſtrict juſtice.

defiance

defiance of the evidence which has been given at your bar. The noble Lord repeats again, that "tricks" were used at my side in the election, although he very properly omits the epithet which preceded that term when he used it in a former debate; but does it appear in evidence that any tricks were practised on my part? Not a word. Against him, therefore, who, in the teeth of the depositions on your table, is prompted, by his enmity towards me, to maintain what the evidence (the ground this House is supposed to go upon) absolutely denies, I might object with infinite propriety as a judge in this cause.

There is another judge, Sir, to whom I might object with greater reason, if possible, than to the last. A person evidently interested in increasing the numbers of my adversaries upon the poll, but who has relinquished his right as an elector of Westminster, that his voting may not disqualify him from being a judge upon the Committee to decide this contest: a person too, Sir, who, in the late election, scrupled not to act as an agent, an avowed, and, indeed, an active agent to my opponents. [Lord Mahon took this to himself; but Mr. Fox went on thus:] Is there any interruption, Sir? I hope not. I am but stating a known fact; that a person who is to pronounce a judgement this night in this cause, avoided to exercise one of the most valuable franchises of a British citizen, only that he might be a nominee for my adversaries, concluding that his industry upon the Committee would be of more advantage to their cause, than a solitary vote at the election. This, Sir, I conceive would be a sufficient objection to him as a judge to try me.

A third person there is, whom I might in reason challenge upon this occasion. A person of a sober demeanor, who, with great diligence and exertion in a very respectable and learned profession, has raised himself to considerable eminence; (the Master of the Rolls) a person who fills one of the first seats of justice in this kingdom, and who has long discharged the functions of a judge in an inferior, but very honourable situation. This person, Sir, has, upon this day, professed and paraded much upon the impartiality with which he should discharge his conscience in his judicial capacity as a member of Parliament in my cause. Yet this very person, insensible to the rank he maintains, or should maintain, in this country, abandoning the gravity of his character as a member of the Senate, and losing sight of the sanctity of his station both in this House and out of it, even in the very act of delivering a judicial sentence, descends to minute and

mean allusions to former politics—comes here stored with the intrigues of past times, and instead of the venerable language of a good judge and a great lawyer, attempts to entertain the House by quoting, or by misquoting, words supposed to have been spoken by me in the heat of former debates, and in the violence of contending parties, when my noble friend and I opposed each other. This demure gentleman, Sir, this great lawyer, this judge of law and equity, and constitution, enlightens this subject, instructs and delights his hearers, by reviving this necessary intelligence, that when I had the honour of first sitting in this House for Midhurst, I was not full twenty-one years of age; and all this he does for the honourable purpose of sanctifying the High Bailiff of Westminster in defrauding the electors of their representation in this House, and robbing me of the honour of asserting and confirming their right by sitting as their representative. Against him, therefore, Sir, and against men like him, I might justly object as a judge, or as judges to try my cause; and it is with perfect truth I once more repeat, "That I have no reason to expect indulgence, nor do "I know that I shall meet with bare justice in this House."

Sir, I understand that the learned gentleman I have just alluded to (I was not in the house during the first part of his speech) has insinuated that I have no right to be present during this discussion, and that hearing me is an indulgence. Against the principle of that assertion, Sir, and against every syllable of it, I beg leave, in the most express terms, directly to protest. I maintain that I not only have a right to speak, but a positive and clear right to vote upon this occasion; and I assure the House, that nothing but the declaration I have made in the first stage of this business should prevent me from doing so. As to myself, if I were the only person to be aggrieved by this proceeding, if the mischief of it extended not beyond me, I should rest thoroughly and completely satisfied with the great and brilliant display of knowledge and abilities which have been exhibited by the learned gentleman, who appeared for me and for my constituents at your bar. If I alone were interested in the decision of this matter, their exertions, combined with the acute and ingenious treatment this question has received from many gentlemen on this side of the House, whose arguments are as learned as they are evidently unanswerable, would have contented me. But a sense of duty, superior to all personal advantage, calls on me to exert myself at this time. Whatever can best encourage and animate to diligence and to energy, whatever is most powerful and influencing upon a

mind not callous to every sentiment of gratitude and honour, demand at this moment the exercise of every function and faculty that I am master of. This, Sir, is not my cause alone; it is the cause of the English Constitution, the cause of the electors of this kingdom, and it is in particular the especial cause of the most independent, the most spirited, the most kind and generous body of men that ever concurred upon a subject of public policy: it is the cause of the electors of Westminster: the cause of those who, upon many trials, have supported me against hosts of enemies; of those who, upon a recent occasion, when every art of malice, of calumny, and corruption — every engine of an illiberal and shameless system of Government — when the most gross and monstrous fallacy that ever duped and deceived a credulous country, have been propagated and worked with all imaginable subtilty and diligence, for the purpose of rendering me unpopular throughout the empire — have with a steadiness, with a sagacity, with a judgement, becoming men of sense and spirit, defeated all the miserable malice of my enemies, vindicated themselves from the charge of caprice, changeableness, and fluctuation, and, with a generosity that binds me to them in every tie of affection, supported me through the late contest, and accomplished a victory against all the arts and powers of the basest system of oppression that ever destined the overthrow of any individual.

If, by speaking in this House, (where many perhaps may think I speak too much) I have acquired any reputation; if I have any talents, and that attention to public business has matured or improved those talents into any capability of solid service, the present subject and the present moment, beyond any other period of my life, challenge and call them into action; when added to the importance of this question upon the English Constitution, combined with the immediate interest I feel personally in the fate of it, I am impelled by the nobler and more forcible incitement of being engaged in the cause of those to whom the devotion of all I have of diligence or ability would be but a slight recompence for their zeal, constancy, firm attachment, and unshaken friendship to me upon all occasions, and under all circumstances.

There are two leading points of view in which this question should be considered: the first is, Whether the High Bailiff of Westminster has had sufficient evidence to warrant his granting a scrutiny, supposing that he possessed a legal discretion to grant it: the second, Whether any returning officer can by law grant a scrutiny, even upon the completest

evidence of its neceſſity; which ſcrutiny cannot commence till after the day on which the writ is returnable.

It is of little conſequence in which order the queſtion is taken up; but firſt I ſhall proceed upon evidence.

The great defence of the High Bailiff is built upon the circumſtance of Sir Cecil Wray and his agents having furniſhed him with regular liſts of bad votes on my part; and to prove that theſe liſts were delivered, they have brought a witneſs who knows not a ſyllable of the truth of the contents of the liſts. The witneſs who drew the affidavits, which affirm thoſe bad votes to have polled for me, upon croſs examination appears equally ignorant of the truth of the affidavits, and therefore the burden of the proof reſted upon the evidence of Affleck, whoſe teſtimony nevertheleſs, after four hours examination, is expunged from your books as inadmiſſible. Expunged however though it is, I wiſh the Houſe to recollect the anſwers he gave concerning the deſcriptions of the bad voters which are imputed to me, and to the ſtated number of them. The number is ſaid to be 143, and the Houſe will recollect, that although I repeatedly preſſed the witneſs to name ſome of them, he could not even name one. I queſtioned Affleck particularly, whether the 143 were perſons who did not exiſt where they pretended to reſide: his anſwer was, that ſome did reſide in the ſtreets as mentioned in the poll books, and that others could not be found at all. Thoſe who could not be found at all, if any ſuch there were, might fairly be deemed bad votes; but the other claſs of voters involved a queſtion of law; and I ſubmit to the Houſe, whether, if the evidence of this man, inſtead of being rejected as incompetent, had actually been admitted, the whole tenour of it, inſtead of exculpating, would not, in the ſtrongeſt ſenſe, tend to criminate the High Bailiff. Had he known his duty, or was diſpoſed to diſcharge it, this he would have ſaid to ſuch a reporter: — "You may be, "and moſt likely are, intereſted in deceiving me; after much "argument and diſcuſſion, I, as the ſole judge in this court, "have admitted theſe to be legal votes, which you (of whom "I know nothing) affirm to be only lodgers or non-reſidents; "my ſituation is too ſolemn to be affected by ſuch information, "and therefore I diſmiſs it as unfit for me to proceed "upon."

This ſhould have been the High Bailiff's conduct; but his conduct is the exact reverſe of it. He receives this ſpecies of information, and from theſe ſorts of men; and not only this, but accepts affidavits imputing bribery to

ſome

ſome perſons who canvaſſed for me, acknowledging at the ſame moment that he had no cognizance of bribery, and never once inquires into the truth of the charge, nor whether any credit is due to the depoſer, nor even who the depoſer is. All this the High Bailiff does in concert with my adverſaries, ſecretly, colluſively, without even once giving me, or any one of my agents, the very ſlighteſt idea that any ſuch intercourſe had ſubſiſted between him (the judge of this court) and one of the parties, litigating that upon which he was to exerciſe his judicial function.

To have received ſuch information with the leaſt attention, was in itſelf criminal enough, but ſtudiouſly, cautiouſly, and deliberately to have concealed it from me, was baſe and wicked in the extreme. Had I been appriſed of theſe machinations, I might have eſtabliſhed the falſehood of every accuſation; and ſurely, if juſtice had been the object of the High Bailiff, he would not reſt one moment until he communicated to me the burden of theſe informations and affidavits, eſpecially if he meant to overturn the whole tide of precedents, and to innovate upon the practice of all the returning officers that ever lived in this kingdom, in granting a ſcrutiny to commence after the return of the writ. If truth was his aim, the obvious mode of aſcertaining it was to have given the other party an opportunity of knowing the charges brought againſt them, to let them have the chance of contradicting their accuſers; and if we failed in falſifying theſe informations, the High Bailiff would have had this preſumption in his favour, that it was only becauſe we could not. But, Sir, not this, nor any thing like it, did the High Bailiff of Weſtminſter. So far from acting like an impartial judge, he appears to have been the agent, or rather, the mere tool of my opponents; and every ſyllable of theſe informations upon which he acted, might have been, for aught he knew, the vileſt maſs of falſehood and perjury that ever thwarted the courſe of juſtice. I ſay then, Sir, if the High Bailiff abſolutely poſſeſſed a legal diſcretion in granting a ſcrutiny, to have granted it upon this ſort of evidence, and under theſe circumſtances, was, to ſay no worſe of it, an act that cannot be juſtified upon any obvious principle of law, reaſon, common ſenſe, or common equity.

But what will the candid part of the Houſe think of this High Bailiff, when they conſider that the grounds of his vindication at your bar differ as much as light and darkneſs from

from his vindication in the Veſtry in Covent Garden, upon granting the ſcrutiny? And here, Sir, I have to lament that the paper which he read to this Houſe as his defence, which the gentlemen oppoſite to me, (the Miniſtry) for reaſons as honourable perhaps to themſelves as to the High Bailiff, ſo ſtrenuouſly oppoſed being laid on the table, is now impoſſible to be produced: that paper, Sir, would have enabled me, from his own words, to have proved to you that the principle he avowed at your bar, as the rule that governed him in this buſineſs, is exactly and directly the very reverſe of the principle he pretended to act upon at the time of granting the ſcrutiny. Fortunately, however, this fact is eſtabliſhed in clear, unqueſtioned evidence before you. Mr. O'Bryen's teſtimony is complete and deciſive as to that point — his words were, "That the High Bailiff, in the Veſtry, upon "granting the ſcrutiny, diſclaimed the informations deliver- "ed to him by Sir Cecil Wray and his agents; that he re- "plied with peeviſhneſs and ſome diſpleaſure to Sir Cecil for "having mentioned them; that he declared he believed he "had never read them; certainly never, with any attention; "that he threw them aſide unnoticed; that they had not the "leaſt operation upon his judgement; and that they did not, "in the very ſlighteſt ſenſe, influence his determination in "granting the ſcrutiny." Theſe were his words. — Atkinſon, upon croſs examination, was obliged to acknowledge this; and Grojan's want of memory upon it goes, of itſelf, a great way to eſtabliſh the truth, if it required farther corroboration.

Now let the Houſe and the world judge of this High Bailiff, who, upon granting the ſcrutiny, affects to be inſulted at the ſuppoſition of his acting upon this *ex parte* information, and yet reſts all his defence at the bar of this Houſe, upon that very *ex parte* information which, but a fortnight before, he diſclaimed and deſpiſed.

Without adverting to his ſhameful and ſcandalous conduct (which, if he had one ſpark of feeling, would make him bluſh to ſhew his face, much leſs to avow the act) in holding this fraudulent intercourſe with my enemies; cautiouſly concealing that any ſuch intercourſe ſubſiſted between them; treacherouſly betraying the cauſe of juſtice, which his ſituation bound him to ſupport inviolate; and baſely lending himſelf to one party, for the ruin of another. Can any thing better ſhew his iniquity, than varying the grounds of his defence according to the variation of ſcene, and the preſſure of exigency? This continual ſhifting demonſtrates that he

has no honest defence to make;—put the most favourable construction possible upon his conduct, and the best of the alternatives marks him a hypocrite at the least. If he has spoken truth in the Vestry, he is an arrant liar before this House; or, if he vindicates himself before you upon pure principles, he has grossly and wickedly deceived me and all who heard the contempt he expressed in the Vestry for that information, upon which he has expatiated at the bar of this House with such extraordinary reverence.

So much for the consistency of the High Bailiff respecting his alledged motives in granting a scrutiny.

It is said on the other side of the House, that the poll was not a scrutiny, and said in express contradiction to the evidence produced at your bar. Never was a poll a scrutiny, unless the poll in question was such. It is established by respectable testimony at your bar, that the poll was an absolute scrutiny. It is proved that the parish books were constantly at the hustings, and each voter's name, profession, and description, collated with the books. It is proved, that when the names of voters could not always be found in the parish books, (which was often the case, and yet the votes perfectly legal) a gentleman in the interest of each side frequently went to the very street in which the voter said he lived; that the vote was suspended until that inquiry was made, and that the decision was always governed by the report of the inquirers in such case. Was this, or was it not, a scrutiny?—But it is said, that the poll was crammed at one time, and hence an inference is drawn, that the poll was not a scrutiny. This is strange reasoning, surely; to support this inference, it should be proved that votes were excepted to, and yet admitted in the hurry without examination or inquiry. Does this appear to be the case? Nothing like it.—With all Mr. Grojan's disposition to shelter the High Bailiff, with all his power of memory at one time, and his want of it another, does he assert any such thing? No, Sir, he could not with truth; and even he could not venture upon this without truth. Did you ever hear, or did such a thing ever happen, as that a returning officer, of his own accord, should reject any votes not excepted to by the contending parties? Certainly not.—Those votes therefore, in whose legality the candidates themselves agreed, must be justly presumed by the High Bailiff to be unexceptionable; and from hence to suppose that the poll was no scrutiny, is weak in the extreme. In the early part of the election it was the natural wish of each candidate to get upon the head of the poll. Each brought up as many friends

friends as possible, and this accounts for what they call cramming the poll. Respecting the High Bailiff's difficulty in forming an opinion as to which of the two had the greater number of legal votes, had I been lowest upon the poll at the close of the election, there might have been some little colour for his affectation of scrutiny. Why? Because upon the days when the poll was most crammed, when the greatest numbers polled, and when there was least inquiry and least examination into their legality, Sir Cecil Wray had a very great majority over me. I began to gain upon my adversary, not when thousands polled of a day, but when only a few hundreds, and less than a hundred polled on each day — at a time when there was sufficient leisure to scrutinise the votes, and when the most acute, the most jealous and sharp inquiry took place, as to the qualification of each voter, that was, perhaps, ever practised in any court of hustings.

With a view to exculpate this High Bailiff, his deputy, Mr. Grojan, related an incident which I shall notice, and the exultation of the opposite side of the House, at the time of that relation, renders that notice the more necessary. It was this — he asked a man which way the street lay in which he lived, and the man said it was that way, pointing his hand towards Drury Lane. "I immediately suspected him, and "afterwards rejected him," says Mr. Grojan. Now, Sir, this story happens to be strictly true, and true to the confusion of those who relate it for the vindication of the High Bailiff. Were my election to depend upon the merits of a single vote, I do not know that I should prefer any other inhabitant of this great city before that very man then rejected by Mr. Grojan; for in all Westminster there is not a better qualified, a more undoubted legal voter, than that identical person. And what is the fact, Sir? That this honest, ignorant man came to poll with liquor in his head, and (embarrassed by the scene, by the shouting, and by the manner perhaps of the question) made that absurd reply. These events, Sir, were not unfrequent at that hustings; and when one considers the facility of puzzling such men in all places, when one considers that Mr. Grojan is not, of all men living, the most embarrassed in the exercise of his duty, nor exactly the most anxious for the comments of by-standers upon his conduct, there is little wonder that honest, uninformed men, surrounded by thousands, with half a dozen inspectors plaguing them with different questions at the same moment, in the midst of noise and huzzaing, in that state of hilarity,

hilarity, perhaps, which is too frequent at general elections, should sometimes give a foolish, unconnected answer to such interrogatories as generally come from Mr. Grojan.

I understand that a learned gentleman has said, that he would have closed the poll long before the High Bailiff proclaimed his intention of doing so. I do not mean to argue the legality of that position with the learned gentleman; that the fact was exactly otherwise, is all that is necessary for me to maintain. It is in evidence before you, that he did not close it until the 17th of May, and then closed it not from deficiency of voters, but for the express purpose of enabling himself to make his return by the 18th, the day on which the writ was returnable. The first, and the only notice I had of his intention to close the poll, was on the Thursday preceding; and I do confess, and have always declared, that my object was to continue the poll during the three intermediate days, that the High Bailiff may be obliged to assign this as his reason, since the act of closing the poll was his own act. In this I hold myself perfectly justifiable: — during these three days I confess it was my wish to protract the poll; but I solemnly deny that it was ever prolonged by me a single hour more; and also deny, that up to the 13th of May, I had any proposal or any offer that I could notice, for closing it.

Attempts have been made to prove, and that is the last head of evidence I shall touch upon, that insinuations came from us at a certain period of the poll, of demanding a scrutiny. That some of my friends might have expressed that intention, is very probable; but give me leave to say, Sir, that if I had myself formally demanded it, there is no rule of law that warrants a conclusion against me, on account of my own conduct as a party. A thousand motives there may be to justify me in demanding of the High Bailiff, that which it would be perfectly right in him to refuse. If in any case of litigation a Judge should grant to one of the parties whatever he wished, how could he ever come to a just decision? or who would ever be defeated, whatever may be the badness of his cause?

But, Sir, has it been offered to you in proof, or is there a man that can say, I ever did for one moment entertain the idea, much less express it, that a scrutiny could go on after the day on which the writ was returnable. Sir, I do assure you, so absurd, so preposterous, so pernicious a thought, never once possessed me. I had occasion very maturely to

consider this subject at the first Westminster election. Lord Lincoln demanded a scrutiny, which the High Bailiff granted, and which the noble Lord afterwards relinquished. I remember to have investigated the matter then. I consulted the greatest dead and living authorities, the best books, and the most learned men in my circle; and the result was, that the granting a scrutiny before the return of the writ was legal, but no book, no lawyer, no man, before this time, ever, to my knowledge, maintained that a scrutiny could be continued, much less begun, after the day on which the writ was returnable.

Then, say my enemies, why did you expect the High Bailiff to grant you a scrutiny, which you must know could not be finished before the 18th of May? And at that I see the gentlemen on the opposite bench (the Ministry) exult a little. But, Sir, it is a weak and childish exultation. Do they think, or, if they deceive themselves, can they believe the Public will think, that I could have been so gross an ideot as to suppose a scrutiny of this election could be over before the 18th, with the instance of Vandeput and Trentham staring me in the face, where an unfinished scrutiny lasted above five months. Can they imagine I could hope a scrutiny in this case, where upwards of three thousand voters polled more than at the contested election of Vandeput and Trentham, could by any possible means be over before the 18th! Surely not. A tolerable knowledge of Mr. Thomas Corbett, the High Bailiff of Westminster, gave me no extravagant hopes of success in any scrutiny where he was to be the sole judge; and therefore all I ever meant was, that an inquiry might take place previous to the 18th; which inquiry might enable us to form the train and order of the necessary evidence, that we might the better know how to discover the different species of bad votes, and class, under their various heads, those which were doubtful — those which were suspected — and those which were positively illegal; and so far to methodise, arrange, and simplify the business, before the return, that we might go on in the Committee, under Grenville's bill, with the greater facility and expedition, and with less expence; and this would have been a material point of preparation for us.

This, Sir, was all I ever meant by a scrutiny before Mr. Corbett, and all that any man of common fairness and liberality can suppose I meant.

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A noble Lord over against me, (Lord Mulgrave) in his zeal to exculpate the High Bailiff, charges me with having intimidated him, and charges it upon the evidence of Mr. Grojan. That noble Lord, disdaining all regard to consistency, whenever he thinks he can impute a fault to us, at the same moment that he asserts the High Bailiff was intimidated, pronounces a flashy panegyric upon the firmness and intrepidity of the very man he affirms to be thus terrified. But, Sir, the High Bailiff was threatened — and how? Was it by threats of assaulting him? No.—Was it by holding up the fear of danger to him, by mobs or riots? No.—Was it by a menace of taking away his books, breaking the peace of the hustings, and interrupting him in the discharge of his duty? No, no; but it was by warning him of the consequences of unjust partialities, false or corrupt decisions. It was by threatening him with legal punishment, if he did not make the law of the land the rule of his conduct. Grojan tells you, that he believes these threats sometimes induced the High Bailiff to make decisions in my favour, contrary to his judgement. Yet this is the man, whose firmness and intrepidity the noble Lord commends so much, and whom the Government of this country is straining every nerve to bear harmless through this unprecedented business. An officer, whose deputy, as a palliation of greater guilt, defends, by saying that he committed a palpable breach of his duty, and only because he is threatened with legal punishment, if he acts against law! Sir, for my own part, I believe, there is as much sincerity in the noble Lord's panegyric, as there is veracity in the Deputy Bailiff's inference from these threats: all I wish, however, is, that you would properly notice this species of intimidation. It is an intimidation, Sir, the influence of which, I hope will reach every man, every magistrate in this country, however splendid his station, however lifted up above his fellow-creatures in office or dignity.—To keep before his eyes the danger of a vicious, or a wanton breach of the law of the land. Would to God this House were in a capacity to become an object of those consequences, which the verdict of a Jury would determine to follow a violation of the laws! With what content, with what confidence, should I submit my cause to such a tribunal!

Having now, Mr. Speaker, gone through the various depositions that have been made before you. Having from the evidence shewn, that the alledged grounds of the High

Bailiff's first granting this scrutiny, were the direct reverse of those he declares to this House to have been his motives.—Having shewn that he was in habits of clandestine intercourse with my opponents—having shewn that he was in the constant course of receiving *ex parte* information in an illicit and shameful secrecy—having shewn that he positively and solemnly denied this series of iniquitous proceeding in the vestry, which he boldly avows at your bar—having shewn that the poll was as much a scrutiny as any poll can possibly be—having explained my views in the event of my demanding a scrutiny—having described the species of intimidation used to this man, and confirmed, that so far from exculpating, it tends deeply to criminate him—having shewn this, Sir, and shewn it by the evidence which you have heard at your bar, I shall conclude this part of my subject, with submitting to every man of honour and candour who hears me, whether he really thinks that the High Bailiff of Westminster exercised a sound and honest discretion in granting a scrutiny, supposing, for argument sake, that he actually possessed a legal power to grant it.

The remainder of what I have to say, shall be directed to prove that he had no such power, and to lay before you the fatal effects of such a precedent, as the loss of this question will afford.

I am not a professional man, and cannot be supposed to speak with the information of professional gentlemen upon a legal subject; there are, however, general and fixed principles of common sense, which serve to guide an unlearned man upon a subject of this kind. Four different ways occur to me, by which, in a case of doubt, the law may be discovered and ascertained; first of all I should look into the statute book upon the table; if upon searching there I find an act of Parliament upon the point in dispute, doubt and conjecture cease at once, and all is clear and certain. But if there should be found no act to regulate the case in question, I should then in the second place have recourse to practice and precedent, and inquire what has been done in similar cases on similar occasions; in other words, I should try what is the common law. If I find practice and precedent direct me, then every thing is plain and easy; but if no statute and no precedent should be found, by which I could steer in this ambiguity, my next obvious resort would be to legal analogies, to cases, which, though not precisely the same in all points, are yet perfectly similar in principle. If in this department of research I find any

any thing to direct me, there too, all will be smooth, intelligible, and certain—but if I find no positive statute, nor precedent, nor practice at common law, and no legal analogy, whereby I might discover the fact, there is then much difficulty indeed, but not an insurmountable one. Still I should make an effort, and my last and fourth resort should be to the experience and understanding of mankind—to those arguments which common sense suggests — to fair conclusions deducible from fair reasoning, founded upon the immutable principles of policy and expediency.

Now, Sir, if some of these various modes of defining the law should happen to favour me upon the present subject, and that others should unfortunately militate against me, still I may be right in my position, but not with that fullness of conviction, that clearness of certainty that I might wish. The case, however, is so entirely otherwise, that I do venture to affirm, and engage to prove to the satisfaction of every man capable of being satisfied, that not only nothing in any of these different ways of attaining the fact, does operate in the slightest degree against me, but that all and each concur in supporting me, and demonstrating the illegality and violence of my enemies in the present business. I do therefore assert, that the High Bailiff of Westminster, in granting this scrutiny, has violated the law of the land, by the combined force and testimony of these four tests: by the statutes—by the common law — by the analogies of law — by policy and expediency.—First as to the statutes:

The act of the 10th and 11th of William III. * was made for the avowed purpose of checking the bad conduct of returning officers. The preamble of the bill, and every clause in it,

* Extract from 10 and 11 William III. c. 7. — For preventing abuses in the return of writs of summons for the calling and assembling of any Parliament for the future, or writs for the choice of any new member to serve in Parliament; and to the end such writs may by the proper officer or his deputy be duly returned and delivered to the Clerk of the Crown, to be by him filed according to the ancient and legal course; be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in Parliament assembled, and by authority of the same, that the Sheriff or other officer, having the execution and return of any such writ which shall be issued for the future, shall, on or before the day that any future Parliament shall be called to meet, and with all convenient expedition, not exceeding fourteen days after any election made

it, proves this to have been the object of enacting it. As the part of it which relates to returns is merely directory, it is gross and absurd to construe it in any other manner than that which makes it answer the evident purpose for which it is enacted. It requires that the writs for any future Parliament shall be returned on or before the day that Parliament is called to meet—that the return shall be made to the Clerk of the Crown, which Clerk of the Crown is authorised to receive four shillings for every Knight, and two shillings for every Burgess. It imposes a penalty upon the Sheriff, if he does not make his return on or before this day.

Now observe the construction given by the opposite side of the House to this plain intelligible statute. It is true, say they, this act is binding upon a Sheriff, but not at all upon a Mayor or Bailiff. Why? because a Mayor or Bailiff are not mentioned. True, they are not mentioned, and probably the action I spoke of some time ago, might not lie against the High Bailiff; not that he has not openly transgressed the spirit of the law, but because the penal part of every statute is to be construed according to the strict letter of the act; but I submit to the House, whether they ever heard so low, so vile, so dirty a quibble — whether they ever heard so base a perversion of common sense, as to suppose the legislature of this country, to have been such a set of ideots, such a herd of miserable beings, as that in an act, made for the avowed and declared purpose of correcting and punishing the misconduct of returning officers, they should have provided against the partialities, corruption, and roguery of Sheriffs, and have left the nation at the mere mercy of Mayors and Bailiffs without restraint, redress, or punishment. This is the construction put upon this act by his Majesty's Ministers, the patrons

made by virtue of any new writ, either in person or by his deputy, make return of the same to the Clerk of the Crown in the High Court of Chancery, to be by him filed; and the Sheriff or other person making such return, shall pay to the said Clerk of the Crown the ancient and lawful fees of four shillings and no more for every Knight of a Shire, and two shillings and no more for every Citizen, Burgess or Baron of the Cinque Ports, returned into the said Court, to be by him filed; and the said Sheriff or officer shall by virtue of this act charge the same to His Majesty, his heirs or successors, and have allowance thereof in his account in the Exchequer or elsewhere.

Every Sheriff and other officer who shall not make return according to the true intent and meaning of this act, shall forfeit five hundred pounds.

of

of this High Bailiff, although they see those express words in the body of the act — "That the Clerk of the Crown shall "receive at the time of these returns (which returns must "be made on or before the day of the meeting of such new "Parliament) four shillings for every Knight, and two "shillings for every Burgess." Why mention the Burgess, if that act is not meant to compel the return of the writ, under which he is chosen? Was there ever such an outrage upon common sense, as to maintain, although they see the fee stated for the Burgess to pay; though they see the return required proceeding from the Sheriff's precept to the Mayor or Bailiff; that the Mayor or Bailiff is not obliged to make a return within the time prescribed by the same act, that is, on or before the day that the new Parliament shall be called to meet?

But there is another point which defines the meaning of the legislature to a certainty, and it is the exception in favour of new writs upon vacancies. In that case, there is an obligation that the return be made within fourteen days after the election upon that vacancy. Is it consistent with reason, or rather is it not making downright nonsense of this act, to suppose that it should compel a return within a certain time in cases of vacancy; but that upon a general election, all should lay at the mere will and pleasure of the returning officers. Will the gentlemen urge the same contemptible reasoning here, and assert that the compulsion in this case only respects the returns of Knights of the Shire? What? that an act should be made to prevent the collusion and knavery of returning officers, yet that it extends only to the preclusion of frauds in returning about one hundred, because they are Knights of the Shire, and leaves the remaining four hundred at the discretion of every Mayor or Bailiff? Sheriffs are in general of a much superior rank and character to the other returning officers, yet the wittal caution the honourable interpreters of this act impute to the English legislature is, that they guarded against abuses from that class of returning officers, whose fortune and sphere of life presumed most for their integrity; and made no provision whatever for the possible misconduct of that very description of returning officers, whose situation gave the least pledge or security for honest and uncorrupt conduct.

If I am not mistaken, this species of reasoning carries with it its own refutation.

A noble

A noble Lord over against me (Lord Mulgrave), has advanced a singular kind of argument indeed, touching the intention of this act of King William. He has read to you from the Journals an instruction to the Committee appointed to bring it in, which instruction suggests to them the introduction of a clause to secure the returns for cities and boroughs within the specified time, and in a style of inference peculiar to himself, he concludes, that as the express words do not appear in the statute, the legislature never meant to include the returning officers of cities and boroughs.

Now I will take upon me to say, that every other man in this country, (that noble Lord and those who concur with him in opposition to my honourable friend's motion excepted) capable of understanding the sense of an act of Parliament, will draw the direct reverse of his conclusion from the non-insertion of that clause. The sole view of this statute was to correct the abuses of returning officers. The instruction from the House to the Committee proves, that the disease extended to Mayors and Bailiffs. The omission of that clause therefore clearly demonstrates, that the framers of the act thought the suggestion fully comprehended in the act as it stands, and that it would be mere tautology and needless repetition to be more explicit. What a miserable legislature must that be, which in the act of applying a remedy to an acknowledged evil, creates ten times a greater than that which it endeavours to cure. Those who made this law, were, in my opinion, good politicians, but they were evidently not good prophets — for they did not foresee that an hour would come, when men should rise up, and put such a construction upon their labours, as marked them the most despicable set of drivellers that ever insulted society under the appellation of law-makers. — In a word, Sir, I contend that the statute of King William is decisively and compleatly with us.

The 23d of Henry the VI. is likewise with us, and does afford me a legal remedy against the High Bailiff, of which I shall most certainly avail myself. That act authorises the Sheriff to issue his precepts to the returning officers of cities and boroughs. It requires that they shall make a return to the Sheriff, and gives the person chosen, and not returned, an action, which must be brought within three months after the meeting of Parliament. From this it is evident, that the return of the writ, and of the precept proceeding from

the writ, must be at one and the same time, viz. by the meeting of the Parliament. For otherwise, observe what rank nonsense this statute would be. This misconduct of returning officers made it necessary to give a power of legal punishment to the party chosen and not returned. That power is here given; but if we can suppose that the act does not compel the return to be positively made by the meeting of Parliament, the penalty is all a farce; for who will make a return that will subject him to a civil action, if it be in his power to avoid it? Whether the return be true or false, therefore, it is as clear as day-light, that some return must be made by the meeting of Parliament. For it is insulting common sense, to say that the man who incurs a legal penalty, shall have a legal power of evading it—That is to say, that a returning officer may, of his own authority, prolong his return until the three months pass away, within which time alone the action can commence for the punishment of this gross abuse.

I have therefore, Sir, no difficulty in saying, and I am confident every fair man agrees in the truth of it, that these two acts in their letter, as well as their spirit, demonstrate, that the High Bailiff of Westminster, in granting this scrutiny, has positively broken the statute of the land.

The second point to which I shall advert in the arrangement of this argument is, the point of practice, or what the common law is upon this occasion; and the best way to shew that the High Bailiff of Westminster's return is against both the one and the other, is to observe this fact—that in all the records of Parliament—in all the annals of election, and in the history of this country, a single precedent cannot be found to justify this extraordinary return. The main and evident drift of it was to deprive me of the benefit of Mr. Grenville's bill; and to accomplish this end, do but observe how many obvious modes of return he passed by. Had the Bailiff done his duty, and returned Lord Hood and me, Sir Cecil Wray would not have been injured, for he would instantly petition, and the merits of the election would be tried by a Committee upon their oaths. Had the Bailiff, doubting, as he pretends, the legality of my majority, returned, as he undoubtedly might have done, Lord Hood and Sir Cecil Wray, then I should have petitioned, and one of Mr. Grenville's Committees would have redressed me. Had he returned Lord Hood alone, still it was cognizable by Grenville's bill. A petition against an undue return would

have been presented, and this House infallibly prevented all interference in the matter, except in appointing the Committee. Or if he had returned the three candidates, the double return entitled it to a priority of hearing (upon that great and fundamental maxim, that the first object was to have the House complete,) and a Committee under Grenville's bill would instantly have tried the merits of the return, and rescued the case from the prejudices and party influence of the House of Commons. At all events, my sitting here for Kirkwall rendered an immediate discussion and decision upon the business indispensable, as petitions complaining of pluralities of election are always heard in order, next to double returns: thus you see with what dexterity this has been managed.

This curious return had two views; first, to exclude me from sitting for Westminster; secondly, to deprive me of the advantage of Mr. Grenville's bill. And, Sir, does any man think this return was the fabrication of Mr. Thomas Corbett? The party spirit and personal rancour, so visible in his defence before this House, confirm that he has all the disposition, if not all the ability, in the world to do me every mischief; yet I cannot be persuaded, when I consider who they are that take the lead in his vindication before this House, and when I observe how very familiar they appear to be with this historical return, (as my noble friend has well called it) that so peculiar, so ingenious, and so original a fragment as this, could ever have been his sole production. In a word, Sir, this cursed historical return, this return unmatched, and unprecedented in the history of Parliament, is the only species of return that could have robbed me and the independent electors of Westminster of a fair hearing before that admirable judicature instituted by Mr. Grenville's bill.

A learned gentleman who appears at your bar for the High Bailiff, admits that no instance of this kind ever happened before; and to induce the House to support his client, he says, it will never happen again. How he comes to know that a line of conduct so convenient to a Minister, so well suited to those who have the power to oppress, and a disposition to exert every power against those they dislike, the learned gentleman himself best knows; but surely, after such an admission, to pray the sanction of this House for an act allowedly unprecedented, is somewhat singular. The learned gentleman's prophecy is surprising, it is true; but the

the argument drawn from that prophecy is still more surprising. Grant the scrutiny, says he, in this case; but you certainly never will do the like again. Perpetrate the most gross and glaring injustice deliberately, for you will never commit a similar outrage hereafter. A good understanding, however, seems to prevail between those within and those outside of the bar; and the intimation of a learned gentleman over against me, of an intention to bring in a bill to regulate this matter in future, does, in a great measure, account for the prediction of the High Bailiff's counsel, that this iniquitous precedent will be no example for future imitation. Now, Sir, I take the first opportunity of declaring, that a bill declaring the law, after a decision directly contrary to law, shall be opposed by me with all the faculties and force I am master of. This is no new principle with me. I have ever set myself against the affectation of applying a remedy upon erroneous decisions subversive of law in supreme courts of judicature. In the case of the determination concerning general bonds of resignation of church-livings in the House of Lords last year, a bill past there, and was sent afterwards to this House, the purport of which was, to declare the law in that case, after a determination, which reversed the uniform current of decisions in Westminster-Hall for a series of ages *. Such a bill would have been most fatal in its example, because it would have taken away the only check, restraint, and control, upon courts of dernier appeal. It would take away the general public inconvenience arising from the false determinations of superior courts. I opposed that bill, Sir, and opposed it with success, for this House rejected it. I shall oppose the bill suggested by the learned gentleman upon the same principle, and every other bill of the same tendency. For sure there cannot be a more barefaced violence of decency and justice—a grosser mockery of the common sense of mankind, than to authorize a scrutiny, in direct opposition to the whole tide of precedents, and exactly subversive of positive law; because you intend to bring in a bill to prevent the reception, in future time, of so scandalous and shocking a proceeding.

An incident occurs to me, which will be proper to mention. Much discussion formerly took place upon this subject of regulating scrutinies, and especially at the time of the

* Case of Ffytche and the Bishop of London.

Oxfordshire election; (concerning which election I shall presently trouble the House with a few observations.) Great pains and labour were employed then, with a view to frame an act of Parliament upon the subject; and a great man, whose name I mention only in the purest respect and reverence for his character, (Lord Mansfield) took an active part, and gave the whole attention of his extensive and shining talents to the business. Yet, after the most deliberate and mature consideration of the subject, even he abandoned it, in a despair of being able to accomplish any system of management, from which many evils and various disadvantages, impossible to be remedied, might not flow. All attempts to regulate scrutinies by act of Parliament were then consequently given up. The learned gentleman (Mr. Hardinge) will excuse me, if I cannot easily believe that he will effect that, which Lord Mansfield relinquished as impracticable; and even this consideration would be an additional motive with me in not hastily assenting to a bill, of the complection suggested by him to the House upon the present subject.

I have said, that this business had no precedent in the annals of Parliament. The gentlemen on the other side (the Ministry) do not attempt, because they dare not, to shew that this High Bailiff is justified by any. The only cases they venture to touch upon are, the cases of Oxford and Westminster; and yet these two cases are fundamentally and altogether against them. Could they cite any instances more apposite, undoubtedly they would never have alluded to those, which, under a hope of giving some colour to the matter in question, do absolutely, positively, and substantially make against them. If out of the mass of precedents I were to choose one, to prove the grossness of this proceeding, I think it would be the very case of Oxfordshire. The candidates who, at that election, were lowest on the poll, demanded a scrutiny, and the Sheriff granted it. Every one knows that the Sheriff carried his partialities for the losing candidates, who demanded the scrutiny, to the greatest lengths; yet, partial as he was, and although his friends were diminishing their opponent's majority daily by the scrutiny, he gave them notice that his duty bound him to stop the scrutiny, for the purpose of making his return on the day the writ was returnable: he accordingly stopped it, and made his return. If this Sheriff, interested as he was for those who were gaining by the scrutiny, conceived it possible for him to be sanctioned by any law or precedent in making a special return, and going on with the scrutiny, would he not have done so? Undoubtedly he would; and the kind of return he made, proves that he would, if he

thought

thought he might. Unwilling that those who were obnoxious to him should sit in the House, he returns all the four candidates; and this he does as the last and greatest act of friendship he could confer on his friends, previous to the extinction of his authority, viz. the return of the writ. I do not say that in making this double return the Sheriff did right: but right or wrong, it proves this—that all the service he could render his friends he did. Does any one doubt that the two candidates, thus aided by the Sheriff, and in the act of growing daily upon their adversaries by the scrutiny; would not prefer the partial, the kind and favouring tribunal of their determined friend the Sheriff, to the House of Commons, had they supposed that any thing could justify him in continuing the scrutiny after the meeting of Parliament? But so frightful an idea was never cherished; and they held themselves bound for ever in gratitude to the Sheriff, for having included them in his return. An honourable gentleman, whom I see in his place, but who I believe neither sees nor hears me at this moment, (Mr. Jenkinson) knows full well that all I am stating relative to the Oxfordshire election is strictly true. He cannot easily have forgotten the part he took in that memorable transaction. He engaged eagerly in the contest, and embarked in that interest, which I should certainly have embraced, had I been of an age to form an opinion, and to act upon it. That honourable gentleman can attest the veracity of this recital; but it were vain flattery, I fear, to hope that he will rise up to-night and vindicate, by his voice and his vote, the principles of the cause he then supported, and which gained his friends the election.

He must remember that a long discussion took place in this House, touching the right of a certain class of copyhold tenants, who voted for those who had the majority upon the poll, and that the disqualification of this description of voters seated those in the House who were lowest upon the poll and the scrutiny. And here I must observe, what a strong and unanswerable confirmation of the point I am endeavouring to establish, springs from a careful review of the Oxfordshire case. The cause of the unsuccessful candidates was pleaded at the bar by one of the greatest characters of that time, and one of the greatest ornaments of this, I mean Lord Camden, *quem gratia honoris nomino*. A question was agitated to ascertain a peculiar qualification, which bore the most inauspicious, and, as it afterwards proved, the most fatal aspect towards his clients. If any objection to determine the point upon that ground could possibly be supported, does any one

doubt

doubt that his ingenuity and penetration would not have discovered it? Does any one doubt that he would have enforced that objection with all that perspicuity and fervor of eloquence, which so much characterize that noble Lord? But the idea of a Sheriff withholding a return, on account of a scrutiny, never once occurred to him, nor to those who managed it within the bar: Nor do I believe, until this time, (to answer the laudable purpose of the present moment) did it ever enter into the head of any man as legal or practicable.

So much for the Oxfordshire case, which, I maintain, goes with us in all its points and principles.

With respect to the Westminster case in 1749, a learned gentleman (Mr. Hardinge) who has spoken with much liveliness, but without one word of legal argument, tells you, the scrutiny then and the scrutiny now are cases exactly in point. In contradiction to that, I affirm, that not the least similitude subsists between them. In this case, the writ is returnable upon the 18th day of May; in that, no precise time is mentioned for the return; and here consists the whole difference. Every one knows that the election of Trentham and Vandeput was upon a vacancy, in consequence of Lord Trentham's accepting a seat at the Board of Admiralty. Upon a general election, the King calls a Parliament for the dispatch of great and urgent affairs, and he calls it to meet upon a particular day: now, Sir, observe, if there be no compulsion upon returning officers to make their returns by that express time, what is to become of the great and urgent affairs for the dispatch of which His Majesty calls a Parliament?

Can you reconcile for one moment, that the nation should be bound by laws, and burthened with taxes to which they did not consent; that the King should have no Parliament, and the People no representatives, to dispatch the weighty and urgent affairs they are called to consider by a particular day, only because it is the whim, or fancy, or wickedness, of a returning officer, at his leisure, to keep them employed in the long laborious business of a scrutiny? But, during the existence of Parliament, when a writ issues upon a vacancy, no particular day is named for its return. A poll or a scrutiny (which means only a continuation of the poll in another form) may be carried on, because it does not in the least infringe upon the exigency of the writ; because no particular time is mentioned for the return, and because His Majesty does not call upon that individual representative to come upon a precise day, for the dispatch of great and urgent affairs that affect his People, as upon a general election. This, therefore, con-

ſtitutes the diſtinction, and it is a wide and a material diſtinction—The grievance, from the abſence of one repreſentative is ſlight, and the law, in that caſe, admits a ſcrutiny; but in the other caſe, to withhold the return beyond the time appointed, is infringing the exigency, and violating the terms on which it was iſſued; which are, that the Parliament muſt meet upon that expreſs day, for that expreſs purpoſe.

Why there ſhould be this diſtinction—why the compulſion of a return, by a ſpecified period, ſhould not exiſt, as well in caſes of vacancy, as of general election, is not now the point in diſpute. If it be, as I think it is, a defect, it only ſerves to prove, that in the beſt works of human wiſdom there are flaws and imperfections. Our aim is to find out what is the law, not why it is the law; and, from the whole, it is clear, that the High Bailiff of Weſtminſter, in over-ſtepping this diſtinction, and granting a ſcrutiny to commence after the day of the general return, has broken every ſtatute that appears upon this ſubject in your books, and gone in the face of every precedent that can be found in your Journals.—[Mr. Fox ſaid a few words upon the Carnarvon caſe, and upon ſomething that fell from the Maſter of the Rolls upon it. The Maſter of the Rolls made a ſhort obſervation.]

The third ground, reſumes Mr. Fox, upon which I ſhall take up this ſubject, is upon that of the analogies of law; and upon this I ſhall detain the Houſe only with a few words; not only becauſe my ignorance of that profeſſion diſqualifies me from treating the point fully, but becauſe all that can be ſaid has been urged, with the greateſt force and effect poſſible, by the learned gentlemen who appeared at your bar in my behalf; the proof of which is, that not a poſition they have advanced upon the legal analogies, has been controverted by the learned gentlemen who pleaded for the High Bailiff without the bar, or thoſe venerable Judges and Crown lawyers, who have attempted to defend him within the bar. Little, therefore, remains for me to ſay; but, little as I affect to have of information upon this part of the ſubject, I have enough to know, that wherever the gentlemen on the other ſide have attempted to aſſimilate this caſe with legal analogies, they have completely and entirely failed. They have endeavoured to eſtabliſh, that an officer may go on to execute the object for which the writ was iſſued from the Courts in Weſtminſter-Hall, even after the day on which the writ is returnable. Yes, Sir, he may go on; but how? Upon the authority of the expired writ?—No, by no means. He goes on by a new power given him by that Court whence the writ originally iſſues,

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to complete that which the premature expiration of his first commission prevented his accomplishing. In a word, the court has the power of rendering effectual its own process, and therefore grants a writ of *venditioni exponas*, where the Sheriff has not been able to sell the goods levied under the first writ; and many other writs of different titles, for the purpose of completing that process the court has begun. But has any man said, that without a fresh authority, any Sheriff, or any officer of any court of law, can proceed a single step under the old writ, one single hour after the day named for its return? I say no, Sir. There is not one man, however ignorant in other things, who does not know that all the authorities of all writs are defunct and extinct on the day named for their return. It is admitted, that the court can grant a new power to compleat its own process. Now, Sir, to shew the gentlemen on the other side that they have not a shred of analogy to support them, I will suppose, for a moment, that the writ under which the High Bailiff carried on this election, had been issued from this Court—what writ, or what legal authority can you give him to finish that which, he says, is still depending? None, I say, Sir. A court of law can effectuate its own process, by giving its officer a new power on the demise of the old: but did you ever hear of one court granting an authority to accomplish the purpose of a a writ issued from another? Never. Such a thing was never heard of. And how stands the fact here; that the Court of Chancery issues the writ, and the House of Commons (another court) is to send forth a fresh writ, to finish that which has not been finished under the King's writ issuing from Chancery, the duration of which ceased on the 18th of May. See the infinite absurdity into which these poor attempts to make out analogies involve the supporters of the High Bailiff. Will they say, though this House cannot issue a supplemental power, the usual officer for making out parliamentary writs can. Try it, Sir, and you will puzzle all the writ-framers belonging to the House: I will venture to say, that all the skill of the Crown Office, and all the skill of the Court of Chancery combined, will be at a loss in what shape or mode to frame an instrument so exotic and hideous. I will not push this point farther, satisfied that no candid man can have a second opinion upon the subject; and shall conclude this part of my speech with affirming, that the statutes, the precedents, and analogies of law, assert and establish the truth of my honourable friend's motion; and that, by those three tests, I am

clearly

clearly entitled to the judgement of this House against the conduct of the High Bailiff of Westminster.

The fourth and last ground of consideration, is upon that of expediency, upon sound sense, and general policy; and here I shall have as little trouble as upon the three former grounds to establish every position, and to shew the House the iniquity of this proceeding. The conduct of this Bailiff not only violates the spirit and letter of every law, but absolutely, in so far, subverts the main principles of the British Constitution. When the King calls a new Parliament, the fair presumption is, that the 'great and urgent affairs,' for which he calls them together, demand their immediate deliberation. It is clear that our ancestors were extremely cautious that nothing should prevent or obstruct their meeting; and, lest returning officers should be instrumental to this obstruction, all the statutes, and all the precedents that bear upon this matter, confirm their jealousy, and prove their diligence to guard against abuses. The misconduct of returning officers, the facility of the evil, and the dangerous consequences resulting from it, were the evident and avowed cause of making those laws which I have mentioned, and which were avowedly intended to restrain them. Let but the conduct of the High Bailiff of Westminster be sanctified this night by this House, and I challenge the ingenuity of mankind to shew a more effectual mode of putting the nation into the hands of returning officers.

What security can any man have, that a Parliament shall meet when the King calls it, if you establish this precedent? An honourable friend of mine, who has this day spoken for the first time, (Sir James Erskine) and who has exhibited a power of fancy, and force of argument, that give a high promise of his making a splendid figure in this House, has said, it was possible the House of Commons of England might, upon the assembling of a new Parliament, be confined to the members from Scotland, where all scrutinies precede elections, and where the positiveness of the law prevents the commission of these knaveries. Now, although the brilliant fancy of my honourable friend might, perhaps, have stretched the possibility a little too far, is there a man who will engage, that this case once sanctified, the example will not be followed to the most calamitous excess? The exact number of 513 English members might not indeed be absent upon the meeting of a new Parliament; but will any man say why 20, why 60, why 100, nay, why 200, might not, by the ignorance, by the caprice, by the folly, by the stupidity, or (what is more analogous

analogous to the cafe in queftion) by the bafenefs or treachery of a returning officer, remain unreturned? Here I muft notice the low, the little, the miferable allufions which are fo frequently made, by thofe over-againft me, to the place that did me the honour of fending me to Parliament; but it is a poor and a pitiful kind of triumph. Much as they may affect to exult, nothing can be clearer than their difappointment upon the occafion, and the petition lately prefented againft my feat for Kirkwall, proves their mortification to a certainty. And indeed it appears from the conduct of Government, that Scotland is the only place that could return me, as the fame fhamelefs perfecution would, no doubt, have followed me in any other place in England; fortunately there was one part of the kingdom where their oppreffion could not profper, and from which their violence and injuftice could not exclude me.

Sir, I do really believe that the fupporters of this extraordinary bufinefs look but a fhort way, and do not at all calculate or count upon its probable effects. If there had not been an act of Parliament exprefsly to regulate fcrutinies in the city of London, who can fay that, at this moment, when laws are to be made as ferious and interefting as any that ever paffed in this country; when great and weighty impofitions muft be laid upon the fubjects: when new and important regulations are to be entered upon, concerning the commerce, the credit, and revenues of the nation — who can fay that at this time the capital of the country, fo deeply and fupremely interefted in all thefe objects, might not be deprived of reprefentation as well as the city of Weftminfter? — But, Sir, I beg pardon—I am doing injuftice. The Sheriffs of London are too well acquainted with their duty, and too zealous for the honourable difcharge of it, to have been guilty of fo grofs an outrage upon the laws of the land, or lent themfelves to be the vile and fordid inftruments of fo bafe a bufinefs.

But the character of an officer is a weak fecurity againft the abufe of an office. Under men lefs informed, and lefs tenacious of their official reputation, who can fay (if an exprefs act had not rendered it impoffible) that the patrons of Sir Cecil Wray, who are alfo the patrons of Mr. Atkinfon, might not practife the fame ftratagem in the city of London, and, by that manœuvre, prevent the wifhes and the fentiments of the capital from being declared in this Houfe, through the conftitutional organ of their reprefentatives? — They, Sir, I affirm, are weak and foolifh men, rafh and giddy politicians, who by fupporting a meafure of this kind, become parties in a precedent, capable of producing confequences which ftrike at

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the source and root of all legislation. For it is the fundamental maxim of our constitution, that the consent of the People by their representatives is essential and indispensable to those laws that are to govern them.

Upon this, however, a curious sort of reasoning is adopted, and a noble Lord (Lord Mulgrave) sees no evil in a defect of representatives for Westminster, as it is virtually represented by those who sit here for other places. In the principle that every member is bound to the common interest of all, I certainly do agree, but I beg leave to set myself wholly against the general argument of virtual representation. We have too much of virtual, and too little of real representation in this House; and to the present hour I never heard, that the most determined enemy to a parliamentary reform ever urged, that the virtual representation of the country was so complete a substitute for real representation, as to deem it wise and salutary upon slight occasions, or upon any occasion to lessen that which is already much too little. The whole tide of reasoning has, on the contrary, run in the other channel, and the great argument for a parliamentary reform, has been founded upon this very defect of real representation, which the noble Lord over-against me is so zealous to diminish. As the honourable gentleman near him, however, (Mr. Pitt) is the professed friend of that reform in the representation of the people of this country, which I have in common with him so long laboured in vain to accomplish; I shall hope to see him stating this very case of Westminster, to induce the House to adopt the motion which will be made upon that subject, by my honourable friend (Mr. Sawbridge) in a few days. Of the prosperity of that motion, I now entertain real confidence, the boasted power in this House of the right honourable gentleman insures success to any measure he abets. No question therefore can be entertained of attaining it, if the honourable gentleman is serious upon the subject; for surely the People of England can never be persuaded, that the majority which supported the Minister in vindicating a direct violation of the law of the land, in the person of Mr. Corbett, could have failed him in endeavouring to effect an object so long looked for, so loudly called for, and so essentially necessary to the security of the constitution and the good of the nation, as a reform in the palpably defective representation of the People in this House.

The same noble Lord attempts to strengthen his cause with a species of argument still more extraordinary, if possible, than the former, although of nearly the same nature. He

tells you that representing Westminster has been a mere naval honour; and after stating the choice of Lord Rodney when on foreign service, leads you to this inference, that the electors of Westminster are wholly unsolicitous whether they are represented or not. This is rating the electors of Westminster at a low estimate indeed; but I, Sir, who know them better than the noble Lord, deny that they are so insensible to the blessings of the British constitution as his argument pretends. The electors of Westminster have rescued themselves from this imputation, Sir, they are seriously anxious to be represented, and they tell you so. But I remember, when absence was deemed a disqualification for naval officers upon a Westminster election. I remember when Lord Hood was in the zenith of his fame, that a person now in my eye (Lord Mahon) urged his absence to the electors, as a ground of rejection, and advised them to prefer Sir Cecil Wray, who was present and able to represent them, to Lord Hood who was absent and unable. This, though not my argument (whose opinion is uniformly, that all electors of all places should elect the men of their choice) was the exact argument of the present supporters of Lord Hood, in favour of that of Sir Cecil Wray, who then opposed him, but who now (in his enmity to any junction after past opposition, in his utter abhorrence of all coalitions) is linked with that very Lord Hood in ties of friendship and good faith, which he certainly never will violate.

Efforts, Sir, have been made to explain the act of George II. to the exculpation of this High Bailiff; and his supporters affect to justify him upon his declared difficulty in making up his conscience. Why, Sir, the very act they attempt to shield him under, is his strongest condemnation. The oath imposed in that act, only binds him to decide to the best of his judgement by a limited time. Lives there one man who shall say, this man would have incurred the penalties of perjury, if he had returned the majority upon the poll? Lives there one man, who thinks the disquietude of his conscience alone prompted him to make the return he has made, when they must see a thousand instances every day of decisions of conscience, in cases a thousand times more ambiguous and solemn? I will ask the House, whether this High Bailiff has appeared to them, in the course of this business, so spotless, so immaculate, so consistent, as to induce them to give him credit for a delicacy of nerve, and a tenderness of scruple, beyond any other man living? Every person in the exercise of a judicial function, stands precisely in his predicament. What

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ſhould become of us, if a judge were for ever to delay juſtice until he could make up his conſcience to the minuteſt point of preciſe accuracy upon every doubt? There are few caſes upon which a man cannot form ſome opinion; all that is required here is, to form the beſt opinion he can, and if ſeven weeks did not afford the High Bailiff time enough to determine, it is ſurely hard with thoſe who are obliged to decide almoſt immediately in the moſt important intereſts of humanity. My honourable friend who made this motion, with that weight and wiſdom that accompany all his obſervations, has adverted to the caſe of jurors. Have you then patience at this man's pretence of conſcience, when you reflect that twelve men muſt all concur before they go out of court, in a judgement, which perhaps conſigns a fellow-creature to an ignominious death; the caſe may be doubtful too, and they muſt all concur in a few hours at moſt.

It is unneceſſary to puſh this point farther. I appeal to the Houſe. There are feelings which even party prejudices cannot diſpoſſeſs us of. We owe to each other a certain candour; and, I am ſure, I ſhould be thoroughly ſatisfied to put this matter to the private anſwer of any man who hears me; if I were only to aſk him, upon his honour as a gentleman, Whether he really believes the return of this High Bailiff is an act of conſcience? And whether he thinks, if I ſtood in Sir Cecil Wray's place, and he had my majority, that we ſhould ever have heard of this man's difficulty in giving judgement; or ever been inſulted with this mockery of his ſcruples?

To ſhew, in another ſtriking point of view, that this ſcrutiny is againſt the law, let the Houſe reflect, for a moment, upon its utter inefficacy to enable the High Bailiff to form a judgement; as that is the pretended cauſe of it. What means has he of exploring thoſe things which he now affects to entertain doubts upon? He can command no witneſs; he can compel no appearance; he has no legal authority of penetrating the obſcurity of any fact like other Judges; he can adminiſter no oath; he can impart no remedy to the party aggrieved, by ſo tedious and vexatious a proceſs; he can award no coſts; he can try no offence that occurs in the execution of this important duty; he is governed by no precedents; he is bound by no deciſions; what he affirms to-day, he may deny tomorrow; he has, in a word, all the means of doing injuſtice, and no one power or competent faculty to do juſtice. Yet to this ſpecies of tribunal is this Houſe going (in violation of law and practice) to ſend me and my cauſe, on purpoſe to evade

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one which is fully adequate, effective, and vigorous; I mean, a Committee under Grenville's bill.

A noble Lord expresses his suspicions of the sincerity of my praises of Grenville's bill, and says, he imagines there is 'a snake in the grass;' it is most true, that I have had my doubts upon the effects of that bill, when it first passed into a law; but, Sir, it is exerting the worst tyranny upon the understanding of men, if they are to be for ever condemned for having entertained doubts upon a subject purely theoretical. Extinct is every idea of freedom, and lost is the boasted liberty of debate, and the spirit of free-thinking in this country, if men are to be debarred from profiting by practice, and changing opinion upon the conviction of experiment. All I can say, Sir, is, that the many salutary effects of that bill have long since completely converted me; and I do assure you, in great sincerity, that no man living reveres and loves it more than I do. There can be no stronger proof of its superior excellence, than that the evasion of it is the only possible means by which his Majesty's Ministers could perpetrate this gross act of injustice. The most infallible of all tests, the test of repeated practice, asserts its virtues; and my attachment to it is not a little increased, for that it resembles that inestimable right, one of the few that Englishmen have yet to boast—the trial by Jury. Oh, that it were possible to mould this House into the size and character of a Jury—of twelve men acting, indeed, upon conscience, and sworn upon oath, to give a true verdict according to evidence! How easy should I feel concerning the issue of this discussion!

In addition to all these arguments, will the House reflect that this scrutiny is not final in deciding the right of sitting here? Will they reflect, that after all the waste of time, after all the expence, all the labour, all the fatigue, which are indispensable upon it, its termination (whenever it may happen) is but the commencement of another process, before a judicature capable and competent to administer justice, with a new series of expence, and labour, and fatigue. And who can tell us when this scrutiny shall conclude? The granting it is not more illegal and oppressive, than the duration is uncertain and indefinite: Who can promise when such a conscience as Corbett's will be quieted? And who will venture to say, that after one, two, three, or ten years investigation, the High Bailiff's conscience may not be

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as unsatisfied, even upon the scrutiny, as it appears at this moment, after a seven week's poll ?

"But," say the supporters of the High Bailiff, "this House "will take care that there is no vexatious delay in the business, and will from time to time call upon him for a "return, or for the cause that may prevent his making "one."—I understand that argument perfectly well, Sir; and it is of itself sufficient to shew the grossness of this proceeding. When the Bailiff will be called on to make a return, and when he will obey that call, can be very easily conceived indeed. If it were possible for this man, in the course of this scrutiny, to strike off from my numbers so many as would place Sir Cecil Wray on the head of the poll, I have not the smallest doubt that all delays subsequent to such an event would appear just as frivolous, as vexatious and oppressive, to the gentlemen on the opposite bench (the Ministry) and to the High Bailiff's conscience, as the whole proceeding now appears to me, and to the injured electors of Westminster. Upon all the considerations, therefore, that I have mentioned—the inordinate expence; the inefficacy of the tribunal; the obvious necessity of afterwards resorting to a more adequate and competent judicature; the certainty that this precedent will be the source of future oppressions; the dangerous example of it to other returning officers, who, under the sanction of this case, can give full scope to their partialities, their caprices, and corruptions; the circumstance of depriving so great and respectable a body of men of their representation in this House; the recognizing that dreadful doctrine, that a King may be without a Parliament, and the people without representation, at the mere will and bare discretion of any low, mean, ignorant, base, and wretched being, who may happen to be a returning officer; from all these considerations, therefore, I am convinced, and I hope I have convinced this House, that if no statute could be found upon the subject, that if the common law were silent, and that legal analogies gave no light upon the subject, even upon the grounds of common-sense and expediency, the law is clear and intelligible. But when all these concur to define and to decide the law; when positive statutes, when practice and precedents, when the analogies of law, and the arguments of expediency, founded upon the immutable principles of wisdom, reason, and sound policy, all combine and unite to establish and to assert it, can I have any fear to say that this motion ought

ought to paſs, and that the High Bailiff of Weſtminſter, inſtead of being permitted to proceed with this ſcrutiny, ſhould inſtantly make a return of members for the city of Weſtminſter?

Some gentlemen have argued, that this motion does not agree with the prayer of the petition: let it be recollected, Sir, that the petition was preſented by me with a view of its being referred to a Committee—[here the Miniſter gave a token acroſs the houſe, as if to deny the fact]. —Really, Sir, if there is not enough of candour to admit this aſſertion without being explained, there ſeems but little chance of a fair hearing, or of a fair conſtruction, upon points much more material. I again declare it was preſented for the purpoſe I have deſcribed. A majority of this Houſe decided, that the petition was not cognizable by Mr. Grenville's bill; and it was upon a ſuggeſtion from the other ſide of the Houſe, that I preſented it the ſame day to ſave time, and prayed that counſel might be heard at the bar in favour of it. The ſole object of that petition was, that this Houſe might order ſuch a return, as would come under the juriſdiction of a Committee; the motion before you goes preciſely to the ſame point, and to no other.

To that argument, if it deſerves the name of argument, that we are inconſiſtent in deſiring the High Bailiff to make a return, when we contend that all his authority under that writ is compleatly defunct; it is almoſt unneceſſary to reply, becauſe it evidently defeats itſelf. In contending that the High Bailiff was *functus officio* on the 18th of May, we are fortified by law; and, in deſiring he would make ſome return, we are juſtified by precedent.

We contend, and contend with truth, that the writ, under which the High Bailiff carried on the election, being returnable on the 18th of May, on that very day deprived the Bailiff of all judicial authority, and diveſted him of all legal power under that writ. To proceed with a ſcrutiny is a great act of authority; to tell us who have in his opinion the majority of legal votes, is not. That this Houſe ſhould order a returning officer to commence a ſcrutiny ſeveral days after the poſitive day on which his writ was returnable, cannot be parallelled by a ſingle caſe in all the hiſtory of Parliament — That it ſhould order a returning officer, who tells you he proceeded to an election, carried on a poll for a ſufficient time, and that he then cloſed that

poll of his own authority, to make a return, has happened again and again. We do not desire him to exercise any jurisdiction under that writ now, we only desire him to acquaint us with the fruits of the jurisdiction which he has exercised under it. I have done so and so, says the High Bailiff — Tell us what you mean, is all we say. "I have, "on such a day, proceeded to an election, says he, I have "carried on a poll for forty days; I have, on the day be- "fore the return of the writ, closed that poll of my own "authority." — All this we understand; in all this you did your duty; only tell us who are the candidates chosen upon this long poll? We do not mean to say you have at present any authority to do any thing under that writ; all we want to know is, what you have done when you had authority under it? Let the House reflect upon this fair and reasonable distinction, and they will see the paltriness of those quibbles, the misery of those low subterfuges, which imply that we would bring "a dead man to life," and which imply an inconsistency between the motion and the arguments advanced in support of it.

What, I beg leave to ask, has appeared to the House extraordinary or uncommon in the election for Westminster, that justifies this matchless violence? In all the variety of evidence they have heard at the bar, has there been a proof of one single bad vote on my side? Not one; but there was much hearsay that I had bad votes: Sir Cecil Wray, and his agents told the High Bailiff they heard I had. — Good God, Sir, am I addressing men of common sense? Did any of you ever yet hear of an election, wherein the losing candidate did not charge bad votes and bad practices upon the fortunate candidate? Peevishness upon miscarriage is perhaps an error, but it is the habit of human nature; and, was the High Bailiff so unhacknied in the ways of men, as to be unapprised of this frailty; or, are the discontents of Sir Cecil Wray, and the loose accusations of his agents, the extraordinary things which the House sees in the Westminster election to justify this proceeding? Is the length of the election one of these uncommon incidents? By no means. The same thing happened at Bristol, where, without doubt, a scrutiny had been granted, if the returning officer thought the law would bear him out in it. The same thing happened at Lancaster, where a scrutiny was demanded and refused; and where, when the con-

nections of one * of the candidates are considered, no doubt can be entertained, that every stratagem to procrastinate, every scheme to perplex, every expedient to harrass, ll that a disposition, not the mildest when victorious, nor he most patient when vanquished, all that wealth, all that he wantonness of wealth could do, would have been exerted; and where a plan so admirably calculated for litigation, for vexation, for expence, for oppression, as a scrutiny, would not have been omitted, were it found legal or practicable.

Let the House reflect for a moment upon the facility of a collusion in a case of this sort, to keep a candidate from his seat, whose right to it is clear, unquestioned, and unquestionable. Suppose that not one single bad vote had been given for Lord Hood in the late election, and that the noble Lord were not (he best knows why) resigned and easy under this proceeding; what could be more hard and cruel than his situation? Does not the House see that Ministers will be enabled by this precedent, to exclude an obnoxious candidate for an indefinite space of time, even though his majority be the most undoubted possible, and his election the fairest in the world? It is only for the losing candidate to demand, and for the returning officer to grant a scrutiny. These are some of the evils that present themselves upon the recognition of this practice, as right and legal—For my part, I see nothing in the late election for Westminster peculiar and distinct from many other elections, but this singly—that I was one of the candidates—In that light it is already seen by every cool, dispassionate, and sensible man; and that the whole nation will contemplate and construe the business of this night as an act of personal oppression, I am thoroughly convinced; nor can they think otherwise, when they learn, that in all the law books of this country, in all your Journals, in all the histories of Parliament, in all the annals of elections, in this great land of elections, where, from time to time, all that power, all that ingenuity, all that opulence could devise or execute, has been tried in elections—where, in the vast mass of cases that have happened, in all the multiplied variety of singular and curious contests we read and hear of, nothing is found that assimilates with, or autho-

* Mr. Lowther the nephew of *Sir James Lowther*, just then created Earl of Lonsdale.

rises this scrutiny, under these circumstances — not even by the worst of men, in the worst of times.

Sir, I will acquit the honourable gentleman over against me (Mr. Pitt) of being the author, or of being a voluntary instrument in this vile affair; and in that concession, Sir, I do not give him much — it is but crediting him for a little common sense indeed, when I suppose that, from a regard to that Government of which he is the nominal leader, from a regard to his own character with the world at this time, and his reputation with posterity, he acts his part in this business not without concern. That he may be accusable of too servile a compliance is probable enough; but of a free agency in it I believe he is guiltless. Not to him, Sir, but to its true cause, do I attribute this shameful attack; to that black, that obstinate, that stupid spirit, which by some strange infatuation pervades, and has pervaded the councils of this country, throughout the whole course of this unfortunate and calamitous reign — to that weak, that fatal, that damnable system, which has been the cause of all our disgraces, and all our miseries — to those secret advisers, who hate with rancour, and revenge with cruelty — To those malignant men, whose character it is, to harrass the object of their enmity with a relentless and insatiate spirit of revenge; to those, Sir, and not to the honourable gentleman, do I impute this unexampled persecution.

Having said so much as to the real authors of this measure, there remains another consideration with which I am desirous to impress the House; it is a consideration, however, which in policy I ought to conceal, because it will be an additional incitement to my enemies to proceed in their career with vigour; but it will, nevertheless, shew the extreme oppression and glaring impolicy of this scrutiny —I mean, the consideration of expence.

I have had a variety of calculations made upon the subject of this scrutiny, and the lowest of all the estimates is 18,000l. this, Sir, is a serious and an alarming consideration. But I know, it may be said (and with a pitiful triumph it perhaps will be said) that this is no injury to me, in as much as I shall bear but a small part of the burthen— But this, Sir, is to me, the bitterest of all reflections.

Affluence is, on many accounts, an enviable state; but if ever my mind languished for, and sought that situation,

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it is upon this occasion; it is to find, that, when I can bear but a ſmall part of this enormous load of wanton expenditure, the misfortune of my being obnoxious to bad men in high authority ſhould extend beyond myſelf; it is, when I find, that thoſe friends whom I reſpect for their generoſity, whom I value for their virtues, whom I love for their attachment to me, and thoſe ſpirited conſtituents to whom I am bound by every tie of obligation, by every feeling of gratitude, ſhould, beſides the great and important injury they receive, in having no repreſentation in the popular Legiſlature of this country, be forced into a wicked waſte of idle and fruitleſs coſts, only becauſe they are too kind, too partial to me. This, Sir, is their crime, and for their adherence to their political principles, and their perſonal predilection for me, they are to be puniſhed with theſe complicated hardſhips.

Theſe, Sir, are ſad and ſevere reflections; and although I am convinced they will infuſe freſh courage into my enemies, and animate them the more to carry every enmity to the moſt vexatious and vindictive extremity, ſtill it ſhews the wickedneſs of this ſcrutiny, and the fatality of its effects as an example for future Miniſters.

Little remains for me now to ſay upon this ſubject; and I am ſure I am unwilling to treſpaſs more upon the Houſe than is barely neceſſary. I cannot, however, omit, to make an obſervation upon an argument of two learned gentlemen (the Lord Advocate and Mr. Hardinge) who concluded two very ſingular ſpeeches with this very ſingular poſition — That the Houſe had only to chuſe between iſſuing a new writ, or ordering the ſcrutiny; that in its lenity it might adopt the latter method — but that their opinion was, for iſſuing a new writ. Now, Sir, if I, who think the old writ totally annihilated; who think that its powers and authorities have been completely extinct ſince the 18th of May, had delivered ſuch an opinion, there would have been nothing in it inconſiſtent; and I ſhould certainly be for iſſuing a new writ in preference to a ſcrutiny, if the law, the reaſon of the thing, and practice of Parliament did not convince me, that the High Bailiff having finiſhed the election on the 17th, might make a return as of that day. But for the learned gentlemen who contend, that the old writ is ſtill in full vigour and force; who think that the High Bailiff has acted conſtitutionally and legally, and that a ſcrutiny may go on after the return of the writ—for

for thofe gentlemen to affert, that iffuing a new one would be the fitter meafure, is indeed extraordinary. But, Sir, againft that pofition, that the Houfe might order the fcrutiny to proceed, as a meafure of lenity, I beg leave directly to oppofe myfelf! I beg leave to deprecate fuch lenity, fuch oppreffive, fuch cruel lenity!

To iffue a new writ is a fevere injuftice, and a great hardfhip; but if I am forced to the alternative, if I am driven to the neceffity of chufing between two evils, I do implore the Houfe rather to iffue a new writ, than to order this fcrutiny. Nothing can poffibly be half fo injurious, half fo burthenfome, half fo vexatious to me, and to my friends, as this fcrutiny; and it is evidently ineffectual, as it cannot be fuppofed, that I fhould finally fubmit to the decifion of a tribunal from which I have fo little juftice to expect. There is nothing, I affure the Houfe, to which I fhould not rather refort, than to the confcience of Mr. Thomas Corbett; upon whom, I do not expect, that the tranflation of the fcene fromCovent Garden to St. Ann's, or proceeding upon a fcrutiny inftead of a poll, will operate fuch converfions, as to give me any hope of his difplaying any other character, or appearing in any other light, than that in which I have feen him upon many occafions in his official capacity. Therefore, Sir, if it be only the alternative, I beg that the iffuing a new writ may be the alternative you will adopt. In that cafe, I affure the honourable gentleman (Mr. Pitt) that I fhall immediately apply to him for one of the Chiltern Hundreds to vacate my feat for Kirkwall, and inftantly throw myfelf, as my only chance for the honour of fitting in this Houfe, upon the good opinion of the electors of Weftminfter; who, in a feafon of phrenzy and general delufion; who, when artifice, fallacy and impofture prevailed but too fuccefsfully in other parts of the country, difcovered a fagacity, a firmnefs and a fteadinefs, fuperior to the effects of a vulgar and filly clamour; and who, upon the very fpot, the very fcene of action, manifefted that they underftood and defpifed the hypocrify, the fraud and falfehood which gulled and duped their fellow fubjects in other places. In the event of a new election, I do anticipate future triumphs more brilliant, more fplendid if poffible, than thofe I had lately the honour of enjoying. Little fear do I feel of fuccefs with the electors of Weftminfter, who will not, I am fure,

fure, abandon me, until I defert thofe principles which firft recommended me to their favour.

A perfon of great rank in this Houfe, has thrown out a hint or threat, I know not which to call it, in a former debate, "that I fhould not again difturb the peace of "the city of Weftminfter." Good God, Sir, did any man ever hear fuch aggravating, fuch infulting infinuations? I difturb the peace of Weftminfter! Is that honourable gentleman not contented with breaking every law, with violating every ftatute, with overturning every analogy and every precedent, to accomplifh this bufinefs; but muft he, at the very moment he thus makes a deep breach in the Englifh conftitution, compleat the catalogue of injury, by adding pertnefs and perfonal contumely, to every fpecies of rafh and inconfiderate violence? I! I difturb the peace of this city, who have three times had the honour of reprefenting it in this houfe; I! who was favoured with the free fuffrages of its electors, long, long, before any of thofe who lately oppofed me, were ever talked of, ever thought of for fuch a diftinction! Every man qualified to fit in Parliament, has a right to offer himfelf wherever he thinks proper; and it is indecent, daring and audacious, in any man, to infinuate, that he ought not to difturb the peace of the place. I, therefore, hope, Sir, that a language fo peculiarly falfe and unbecoming towards me, and fo directly repugnant to the genius and fpirit of the Conftitution, will meet with the difapprobation it deferves in this Houfe, as it certainly will be received with merited odium and execration out of this Houfe.

Upon the generous protection of the electors of this city, I fhall certainly throw myfelf, in cafe of a new writ; and, in doing fo, Sir, well I am aware, what feries of various difficulties I have to encounter. Expences at elections, in defpite of every effort to reduce them, ftill continue moft exorbitant; and how ill matched in funds and certain inexhauftible refources, I ftand with my opponents, is indeed very unneceffary to explain—But, Sir, it is not in the article of expences that I fhould moft dread the operation of that power that fuftains my adverfaries; that power, which difcovers itfelf in characters that cannot be miftaken, through every part of this tranfaction. I muft be blind not to fee, that the hand of Government appears throughout this matter. When I confider the extreme care employed in preparing it for the meafures which have been taken in this

this House, in consequence of it — when I consider the evident determination not to let it rest here—when I consider the extraordinary zeal and anxiety of particular persons in this House to shelter and to sanctify this High Bailiff — when I consider the situation of those who take the lead and are most active in his vindication — when I consider the indifference of my adversaries to the expences which result from this scrutiny, but which expences must be a [illegible] upon the spirit and independence of those by whom I am supported — when I consider that all that artifice could dictate, and power could execute, have been exerted upon this occasion, I can have no doubt, that the hand of a vengeful Government pervades it all. The opposition of such a Government upon an election, is a discouraging circumstance; and the likelihood of renewing again those events which I have witnessed within the last two months, is indeed a formidable and terrific prospect.

When I look back, Sir, to all the shameful and shocking scenes of the Westminster election — when I consider that my enemies practised all that was possible of injustice, indecency and irreverence, in their efforts to overwhelm me — when I consider the gross, the frontless prostitution of names too sacred to be mentioned — when I consider, that all the influence of all the various branches of Government was employed against me, in contempt of propriety, and defiance of law — when I consider, that a body of men was brought in the appearance of constables, to the place of election, under the command of a magistrate, and against the express opinion of all the other magistrates of Westminster — that these constables broke that peace they were bound to preserve, and created a riot, which proved fatal to one of their own body — when I consider, that this was made the pretence of a wanton, an indecent, and unconstitutional introduction of the military, in violation of all that has been done by our ancestors, to keep sacred the freedom of election — when I consider that the lives of innocent men were deemed light and trivial impediments to the gratification of that implacable spirit of revenge, which appears through the whole of this business — when I consider that several men of the lower order of life, whose only crime was appearing in my interest, were confined many weeks in prison and obliged to stand trial, and

and* that others, of the higher rank, ingenious and amiable men, valuable for their qualities, reſpectable for their characters, diſtinguiſhed for their abilites, and every way meriting the eſteem of mankind, were alſo attacked without the ſhew of a pretence, and obliged to undergo the ceremony of a public acquittal from the foul crime of murder—when I conſider that palpable perjury and ſubornation of perjury were employed to accompliſh the ſanguinary object of this baſe conſpiracy—when I conſider that the malignity of my enemies has ſtopt at nothing, however groſs and wicked, to ruin me and all that appeared in my intereſt—when I conſider all this, Sir, I cannot indeed but look with ſome anxiety to the circumſtance of a new election.

I am not, Sir, it is well known, of a melancholy complection, or of a deſponding turn of mind, yet the idea of again combating, this hoſt of oppreſſions might, in other ſituations, deter me from the riſk—But I owe too much to the electors of Weſtminſter, ever to abandon them from the dread of any conſequences; and I do aſſure you, that I ſhould conceive a new writ, with the hazard of all theſe hardſhips, as a great indulgence and favor, compared to that mockery, that inſult upon judicature, a ſcrutiny under Mr. Thomas Corbett.

Sir, I have nothing more to ſay upon this ſubject—whatever may be the fate of the queſtion, it will be a pleaſing reflection to me, that I have delivered my opinions at full, upon a point ſo important to that great and reſpectable body of men, to whom I am ſo much indebted; and I ſincerely thank the Houſe for the honour of their patience and attention through ſo long a ſpeech.

To the honourable gentleman over againſt me (Mr. Pitt) I will beg leave to offer a little advice. If he condemns this meaſure, let him not ſtoop to be the inſtrument of its ſucceſs. Let him well weigh the conſequences of what he is about, and look to the future effect of it upon the nation at large. Let him take care, that when they ſee all the powers of his adminiſtration employed to overwhelm an individual, mens eyes may not open ſooner than

* Theſe men were tried at the bar of the Old Bailey, and acquitted. A bill of indictment was alſo found againſt Mr. O'Bryen, but no evidence was produced againſt him in court.

they would if he conducted himself within some bounds of decent discretion, and not thus openly violate the sacred principles of the Constitution. A moderate use of his power might the longer keep people from reflecting upon the extraordinary means by which he acquired it. But if the right honourable gentleman neglects his duty, I shall not forget mine. Though he may exert all the influence of his situation, to harrass and persecute, he shall find that we are incapable of unbecoming submissions. There is a principle of resistance in mankind, which will not brook such injuries; and a good cause and a good heart will animate men to struggle in proportion to the size of their wrongs, and the grossness of their oppressors. If the House rejects this motion, and establishes the fatal precedent that follows that rejection, I confess I shall begin to think there is little to be expected from such a House of Commons. But let the question terminate as it may, I feel myself bound to maintain an unbroken spirit through such complicated difficulties; and I have this reflection to solace me, that this unexampled injustice could never have succeeded, but by the most dangerous and desperate exertions of a Government, which, rather than not wound the object of their enmity, scrupled not to break down all the barriers of law — to run counter to the known custom of our ancestors — to violate all that we have of practice and precedent upon this subject, and to strike a deep blow into the very vitals of the English constitution, without any other inducement or temptation, or necessity, except the malignant wish of gratifying an inordinate and implacable spirit of resentment.

Mr. Chancellor *Pitt* spoke to the following effect—Sir, if the right honourable gentleman's reason for being so desirous of securing to himself the last hearing in this debate, has been in order that his mad and violent assertions might pass without opportunity of being contradicted, I must acknowledge, indeed, the prudence and policy of his conduct in endeavouring to prevent a reply; but I must rejoice, however, when charges are brought against Administration, as gross as they are unfounded, that I have the opportunity of rising to refute the charge, to contradict the assertions, to defy that right honourable gentleman to proof, and to assert with equal hardiness, and, I trust, with more than equal truth, that, in no respect, has Administration

Mr Chancellor Pitt.

exercised any undue influence; in no respect have they been so profligate as to furnish those means which have been hinted at—in no instance have they suborned witnesses to swear away men's lives—in no respect whatever have they been accessary to those violences, murders, perjuries, and black catalogue of offences, which the right honourable gentleman calls up, by way of auxiliary matter, to embellish his speech, and to assist the House in the decision of that grave, dry, constitutional question, which is all that we have this night to determine. Sir, if the right honourable gentleman has his charge to bring, the courts of this country are open to him; I hope, and trust, Administration is not so strong as to be able to resist any just accusation that he can bring against them; I hope, on the other hand, Administration is not so weak, as to give way and yield to the vehement assertions, utterly unsupported, and evidently malicious—I hope opposition is not so strong; I hope there is no faction in this country so strong, so bold, so mad with desperation and disappointment, as to throw out great and criminal charges against Administration, without having either the intention, or the means, or the shadow of any means, to support the accusations which they venture so roundly to make.

I am not surprised, indeed, if the right honourable gentleman should attempt to represent himself as the marked object of ministerial persecution—With respect, Sir, to the very cruel hardship he has just complained of, namely, that he has not been allowed to have the last word in the debate, I would only beg leave to remind both him and the House, that so far from having, from his present situation, an indisputable right to the last word, it is contrary I believe, to a standing order of your House, that he is allowed to speak at all, or even to be present in the House; for one of your standing orders says, "That if any thing shall "come in question touching the return or election of any "member, he is to withdraw during the time the matter is "in debate." Such, then, is the cruel persecution carrying on against the right honourable gentleman, that, instead of being forced to be silent, and to withdraw, he is allowed to speak often ten times a day on the same question; sometimes, Sir, for three hours at a time, filling his speech with every thing that is personal, inflammatory, and invidious. I say, nevertheless, I am not surprised, if he should pretend to be the butt of ministerial persecution; and if, by

striving

ſtriving to excite the public compaſſion, he ſhould ſeek to reinſtate himſelf in that popularity which he once enjoyed, but which he ſo unhappily has forfeited; for it is the beſt and moſt ordinary reſource of theſe political apoſtates, to court, and to offer themſelves to perſecution for the ſake of the popular predilection and pity which uſually fall upon perſecuted men; it becomes worth their while to ſuffer, for a time, political martyrdom, for the ſake of the canonization that awaits the ſuffering martyr; and I make no doubt, the right honourable gentleman has ſo much penetration, and, at the ſame time, ſo much paſſive virtue about him, that he would be glad not only to ſeem a poor, injured, perſecuted man, but that he would gladly ſeek an opportunity of even really ſuffering a little perſecution, if it be poſſible to find ſuch opportunity.

Upon the ſame ground, Sir, it would unqueſtionably be my intereſt, and no leſs, I am ſure, my wiſh, to abſtain from every thing that has even this appearance, much more that is in reality any thing like perſecution; but yet, when great conſtitutional queſtions are involved, it then becomes a Miniſter to forego every other conſideration; and ſo far, perhaps, to gratify his adverſary, as to furniſh him with the pretence of being the object of miniſterial perſecution, ſtedfaſtly determining, at all hazards, and contrary, perhaps, to his own convenience, to maintain the true ſpirit of the Conſtitution.

I wiſh to meet the right honourable gentleman on the two grounds which he has laid down, and to decide upon the iſſue of them — Firſt, the propriety and expediency of granting a ſcrutiny; and, ſecondly, the legality of it under all the circumſtances of the caſe — And here, Sir, let me firſt touch a little on the hardſhip which the right honourable gentleman is ſaid to labour under. Now I do inſiſt, that if his ſingle object is (as he ſays it is) to bring the diſpute to the deciſion of Mr. Grenville's Committee, a ſcrutiny will not delay that deciſion one moment; nay, it will even forward it; for ſuppoſe the return, according to the motion before the Houſe, to be made immediately, ſtill the petition before Mr. Grenville's Committee could not be gone through this year; it muſt therefore begin again, *de novo*, the next, and the latter end of next ſeſſion would arrive before the queſtion could be decided. On the other hand, let a ſcrutiny be now inſtituted, preparatory to the petition, it will be finiſhed, in all human probability, be-

 fore

fore the beginning of the next session; and the petitioner, whoever he may be, will come prepared, having his business cut short by this means, so that the petition must be finally decided in the early part of the next session; or perhaps the consequence of a scrutiny may be, that there shall come no petition at all.

But the right honourable gentleman wishes even that there might be a new writ, and new election, rather than a scrutiny; now, let us see how this would expedite the business? Why, Sir, if a new writ were issued while the Parliament is sitting, as this would be, all sides are agreed, that the Bailiff would have perfect right to prosecute a scrutiny whenever the poll is over; it being universally allowed, that scrutinies are lawful in the case of elections during the sitting of Parliament. If you grant, therefore, the right honourable gentleman this curious wish of his, the consequence will simply be, that after another forty-days poll, forty days riot, and forty days confusion, he will find himself just where he is at this moment, except, indeed, that he will then be constrained to own (from the precedent of Vandeput and Trentham, which will become precisely in point) that the High Bailiff, if he pleases, will then have an undoubted right to go on with the scrutiny.

Now, to say the truth, the arguments of the right honourable gentleman, if they prove any thing, must necessarily prove what I have just stated; namely, that there must be a new writ; for he tells you, that after the 18th of May, the Bailiff became *functus officio*; that all the virtue of his writ expired, and that the High Bailiff, after that day, was no longer, in this respect, High Bailiff, but was turned into a private person, and had no more right to institute a scrutiny than any one of us; and yet, Sir, by the resolution before you, this Bailiff is ordered to do an act which no Bailiff, *functus officio*, can possibly do; namely, to return the writ. The hand you order to sign the writ is a dead man's hand. Why surely, Sir, if the Bailiff, ever since the 18th of May, has been like one of ourselves, you may as well order one of us to make the return, as order the High Bailiff to do it. So far, therefore, as the hardship of the case is considered, it is clear, that to let the scrutiny proceed, is a mitigation of trouble and expence; since a new writ is the consequence of the honourable gentleman's argument, and a new writ, as I said before, would, forty

days

days hence, exactly bring us to that point where we are now arrived.

I muſt beg the Houſe, then, to conſider coolly and diſtinctly what the motion before you tends to: it does not, indeed, command the High Bailiff to return Lord Hood and Mr. Fox, as the honourable gentleman firſt intended, and as his petition prayed; that is now found out to be too monſtrous, for that would be no leſs than to make this Houſe the electors of its own members, uſurping at once the office of returning officer, and the right of electing the repreſentatives of the People. That ground, I ſay, Sir, is ſhifted; and to what does the reſolution now go? It orders the High Bailiff to return two members; it orders this deceaſed returning officer to come back again to life, in order to make return of the writ; this officer, I ſay, Sir, whoſe exiſtence irrevocably ceaſed the 18th of May; for, on the ſingle argument of his perfect nonentity ſince that day, reſts the whole of that concluſion which is ſo contended for, that he is not in the capacity to proſecute the ſcrutiny. Now, Sir, the reſolution alſo orders the High Bailiff to return thoſe two candidates, who have, in his judgement, the majority of legal votes; though the Bailiff told you yeſterday, he could form no judgement who had the legal majority; and though he explained, by ſubſtantial evidence, for what reaſons it was impoſſible to form ſuch judgement. Sir, I will not weary the Houſe with entering into all the detail of evidence; but I aſk any man of honour, of candour, and of plain ſenſe, whether the High Bailiff of Weſtminſter had not ſufficient reaſon to wiſh for a ſcrutiny, in order to ſatisfy his own judgement and conſcience, provided a ſcrutiny could be legally proſecuted, under all the circumſtances of the caſe? The legality of it is what I ſhall certainly have to prove—His evidence, in three words, was this; that there have polled at this election above 4000 more men than there are legal votes in Weſtminſter, upon any calculation that can be formed; that there have ſometimes been 1800 ſuffered to poll in a day, under the idea that the votes were to be reviſed at a ſcrutiny; that he has received information of many hundred bad votes for Mr. Fox in two particular pariſhes, that he has had intelligence ſufficient, certainly, to warrant a ſuſpicion that bad practices had been uſed for the purpoſe of procuring a number of illegal votes; and that he was terrified, by violent threats, into an admiſſion of many votes extremely doubtful, which,

however, he set down at the moment, with the determination to inquire into them afterwards; upon these grounds let any man deny if he can, the expediency and propriety of a scrutiny, provided it be lawful. We are told, indeed, of Mr. Grenville's Committee, and that it is there alone an effectual scrutiny can be had; but, Sir, the High Bailiff is not to take Mr. Grenville's bill into his consideration; he is sworn to return those who have the majority of legal votes according to his judgement; and he is bound therefore to do every thing that is legal, in order sufficiently to inform his judgement; besides, give me leave to say, the possession even of the seat ought not to depend on the very loose discretion of the returning officer. The law and the constitution consider it to be a matter of some moment, who shall be put to the trouble of petitioning, and it is expected of the returning officer, that he should give the intermediate possession of the seat to those candidates alone, who have pretty strong *prima facie* evidence of their right.

Now, Sir, with respect to the legality of the scrutiny, under all the present circumstances, which appears to me the hinge on which every thing is now to turn, I am certainly forced to acknowledge, that there exists no precedent procisely in point, though the case of Vandeput and Trentham, in this same city of Westminster, appears to me nearly in point, as to the meaning and spirit of it; but there is certainly this accidental difference, that that was an election during the existence of Parliament, the present is an election following a dissolution. What I mean, however, to prove, and what I say must be proved (unless we issue a new writ) is this; that the High Bailiff was not so completely *functus officio* on the 18th of May, but that sufficient explanation having been given why the Bailiff could not return the writ on the day when it was returnable, the law and the constitution do allow, that this House should leave the returning officer to prosecute and complete the election which he has begun, without issuing a new writ.

The case of Coventry has been quoted, in order to prove the returning officer *functus officio*; but I deny that that is a case in point. There, the election was interrupted by riots, the poll books destroyed, and the returning officer therefore made (as in the present case) a special return, certifying to the House the reasons why he could not return two members; where-

whereupon the House issued a new writ — But, Sir, between that case and the present, there is a striking difference. Here the Bailiff reports to us, that the election is begun, but is not yet complete for certain reasons. In the case of Coventry, the returning officer certified, that the whole election had been defeated: not that he had not had time to decide whom he should return, but that he had all to begin again, which rendered a new writ most undoubtedly proper. The act of Parliament on which gentlemen lay their great stress, and which the Bailiff is said to have broken, is, as I understand, the 10th and 11th of King William; an act, as I must insist, applicable only to Sheriffs, who were grown at that time extremely negligent in forwarding their writs, which are the agregate of the precepts they had received in their respective districts from the several Bailiffs. It applies to Sheriffs, merely as executive, not as judicial officers; enjoining them to make up with diligence the precepts they had received, and to send them to the Crown Office within a limited time, under the penalty of 500l. a moiety of which is payable to the person suing for it. Now, Sir, as the right honourable gentleman has confessed, upon better information, that he should stand no chance of recovering the penalty on a popular action; since he has declined this species of revenge upon the Bailiff, which he at first threatened, he has saved me the trouble of contesting that question; and it is indisputably clear, that the present case can by no means come under that act. That act relates, I say, to the executive conduct of the Sheriff; the present question respects the judicial conduct of the Bailiff, who, in order to make up his judgement, has thought proper, under certain extraordinary circumstances, to institute a scrutiny. I am far from thinking, that a Bailiff has any right to protract his election beyond the day when the writ is returnable, unless from very particular circumstances — That argument, therefore, that Bailiffs, at this rate, may protract the meeting of Parliament to what period they please, must fall entirely to the ground. The House must judge of his reasons, must hear them, must examine them, and if they are insufficient, must correct and punish him, if he be worthy of punishment; but if proof be given, that, owing to peculiar circumstances, it was impossible for him to fulfil his oath, and to judge who had the majority of legal votes, I say, then the law and the constitution permit, that he should prosecute what he has begun without a new writ, and take those measures which are absolutely necessary to form his judgement.

In

In order to examine more particularly what is the law of the case, we can only ask ourselves, how it stands when similar circumstances occur in the execution of other writs? In the nature of writs, it is agreed, there is no difference. Let us examine, then, the analogy of law upon the subject, and I hope, Sir, I shall not be thought pedantic, if I should allude somewhat technically to a profession which I once had the honour of belonging to, in order to prove distinctly what is the law upon this point. A very learned gentleman near me (the Master of the Rolls) has told you, that in many instances the court allows an extension of time, in cases where some proceedings have been had upon the writ, but where every thing is not perfected by the day when the writ is returnable. Now, Sir, to bring this point of law more directly into the cognizance of the House, I will state a case: A writ is issued to the Sheriff (in an action of debt) called a *capias ad satisfaciendum*, ordering him to seize the goods of A. and this is followed by another, called a *venditioni exponas*, and is returnable by a certain day; the Sheriff, in prosecution of his writ, seizes the goods, in order to put them up to sale. But we will suppose, that in taking these goods of A, as he is commanded by the writ, the Sheriff, through mistake and confusion, lays hold of some goods of B, which are mixed with them, and he has not time to separate the goods of A, which are all he must take, and to put them up to sale before the writ is returnable. What does the Sheriff do in this case? Why, Sir, he reports the particular circumstances which prevent his returning the writ to the court, and the court then allows him to go and examine into the goods, or, in other words, they grant a scrutiny upon the circumstances laid before them, not issuing any new writ, but allowing only an extension of the old one. Now, Sir, let the House alter the word Sheriff to Bailiff, and for dead goods read living, and this is the very case before you.

But if this which I have stated be true, if it be law, if it be the fact in the courts below, arguing as I have a right to argue upon the analogy of the law in every new case, I do implore the House to consider the absolute illegality of our interfering in the office of Bailiff, and directing him either to return Lord Hood and Mr. Fox, as was once desired of us, or the illegality even of forcing him to return any two members before those measures are taken, which it is absolutely necessary to take, and which the law therefore enjoins him to take, in order to make his return.

Some

Some gentlemen have talked of the peculiar jealousy of our constituents on matters of election; but, Sir, theirs has never been a jealousy lest this House should be supine in watching its own privileges. The jealousy of the people has always justly been, lest this House should assume privileges of electing members, or of directing their election, which is not for us to do. What was the case of the Middlesex election? Was it not, that the House of Commons determined, by their own authority, to impose on the People a representative who was not the object of their choice? God forbid that this House should again impose on the People any man who is not the object of their choice! But elections without doors take their legal course. It is our office to punish corrupt or partial returning officers; it is our office to issue new writs; it is our office ultimately to decide election contests, but it is not within the scope of our privileges to direct the Bailiffs whom to return; nor to order them, as if they were servants or officers of ours, to make returns in what manner and at what time we please. The right honourable gentleman, indeed, might, with some degree of consistency, propose to the House, the assumption of new privileges in matters of election; for, in the case of the Middlesex election, we know that he was the champion of this House against the rights of the people; and it is singular enough that the only two points in which the right honourable gentleman and the noble Lord for a series of years agreed, were in their decision of the Middlesex election, which is now so deservedly execrated, and in their execration of Mr. Grenville's bill, which is now so deservedly applauded.

Sir, it has been hinted to the House, that some new law to regulate Westminster elections will be proposed; and the right honourable gentleman, with a degree of ingenuity that is characteristic, immediately exclaims, that we find it necessary to introduce a new law, in order to prevent future Parliaments from adopting the bad precedent we have set them. That a new law is wanted on the subject of elections in Westminster, is surely what nobody can deny; but my opinion is, that until a new law is introduced, it is better to decide according to the laws existing, than to anticipate new laws, or to pass the bounds of our privileges. I am aware of the difficulties we are all reduced to, in so unheard-of a case as the present; for this House to order a Bailiff whom to return, is impossible; neither is it possible for us to punish a Bailiff, or even to forbid him from doing that which is ab-

solutely necessary, to the forming a reasonable judgement, which is not contrary to law, and in which the analogies of law, when the circumstances are compared, completely justify him.

Mr. Sheridan. Mr. *Sheridan* said, he hoped the House was not unreasonable enough to expect him to reply to the reasoning or argument of the speech they had just heard; in which, from the beginning to the end, he defied the most discerning man in that auditory, to discover one syllable of argument or reason. If Government could be vindicated by an avowal of its interposition in the Westminster election, it was certainly vindicated — If the High Bailiff could be justified from the circumstance of his right honourable friend's giving a vote upon the Middlesex election in 1768 (at a time of life, when a learned gentleman over the way (the Master of the Rolls) tells the House, that his right honourable friend was disqualified from exercising the rights of a member of Parliament by minority) the High Bailiff is certainly justified — If the impression made by his right honourable friend's speech could be effaced by hard words and lofty sounds, its effect would be to the full as slight and trifling, even as the effect of the right honourable gentleman's own speech — If severity of epithet, if redundancy of egotism, if pomp of panegyric upon Administration, could refute the arguments of the most convincing speech (Mr. Fox's) he had ever the good fortune to hear, undoubtedly it was very completely refuted. But, if the people of England looked for the defence of the High Bailiff of Westminster, and of His Majesty's Ministers (who were in this case synonymous) upon principles of law, justice, good sense, or equity, beyond all doubt they were disappointed. He said, the idea that no harm would ensue from establishing the precedent, that would grow out of the decision of the House, if the High Bailiff were ordered to continue the scrutiny, was the weakest he had ever heard suggested. To say, that the High Bailiff's reasons, whenever he did not obey the Sheriff's precept, and punish him, if he did not assign very good reasons for his conduct, afforded but little satisfaction: was it to be supposed, if the High Bailiff was advised by the friends of the Court to make an historical return while acting without doors, and followed that advice, that he would not find friends of the Court enow within doors to save him harmless, and protect him from punishment, when he came to the bar to answer for what he had done?

done? Mr. Sheridan complained of Mr. Pitt's having used his right honourable friend unhandsomely, in talking of a candidate, whose political conduct and principles had rendered him detestable to the people. Such language might be allowable in the mouth of a new member, just come from his constituents, who had filled his ears with expressions of that gross and vulgar nature; but from the right honourable gentleman, who must know that nothing but the heat and passion of the times could excuse such phrases being used by any gentleman, it surely was highly unjustifiable. Besides, the right honourable gentleman, he was persuaded, was not sincere in his words; he must have both a personal and a political confidence in his right honourable friend, or he must either be insincere in what he had said then, or in what he had said on a former occasion. Let the House recollect that the right honourable gentleman had courted an union with his right honourable friend a few months since, and had professed himself extremely desirous of effecting such a junction. Mr. Sheridan said, he was aware the right honourable gentleman had put his case hypothetically, but he had done it so pointedly, that every person must have known who he meant.

Mr. Sheridan concluded with this observation — "If the "High Bailiff of Westminster were of another complection, "and valued his character beyond the corrupt indemnity "which arose from the support of a violent Government, I "should have considered his situation as most lamentable "and wretched; but speaking of him merely as he is, the "speech of the right honourable gentleman (Mr. Pitt) "aggravates his conduct in a tenfold degree, as it shews "that the great abilities of that right honourable gentleman "were exerted for near an hour and a half in favour of "the High Bailiff; and that, so far from exculpating him, "a fair construction of all that he said, absolutely established the Bailiff's guilt."

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, he never used the words alluded to; that he had put a supposed case, and the honourable gentleman might apply it to whom he pleased, but to save him the trouble, he would in two words put a real case. It was true, that he had some few months since professed himself willing to unite with the right honourable gentleman opposite to him, and he was at that time sincerely desirous of effecting that union, in order to put an end to the distracted state of the country. But he declared he had courted

that union, with a desire to establish it on a system, that had a view to enable him effectually to counteract those principles of the right honourable gentleman, that had become obnoxious to the people, and had excited their detestation.

The question was put, and the House divided upon it,

Ayes, - - - - - - - - - - -	117
Noes, - - - - - - - - - - -	195
Majority, - - - - - - - - - -	78

Lord Mulgrave. As soon as the House was resumed, Lord *Mulgrave* rose, and after a short speech, moved, "That the High Bailiff of "the city of Westminster do proceed in the scrutiny for "the said city with all practical dispatch."

Mr. Fox. This was strenuously opposed by Mr. *Fox*, as a motion that the House was not bound to come to, and as a question that called necessarily for a considerable share of discussion before gentlemen could possibly make up their minds upon it, so as to decide whether it ought to pass or not. If he should not take any step in the scrutiny, but protest against its illegality, which was probable, he might incur a contempt of the orders of the House; but the glaring evil of the motion was, that the House should step between him and justice against the High Bailiff in the courts below.

Mr. Lee. Mr. *Lee* followed Mr. Fox with similar arguments—Mr. Lee also much doubted the legality of the House's coming into such decision, since it was interfering, by one of their orders, with the duty of the High Bailiff, who acted under a different authority. Mr. Lee concluded with moving a question of adjournment.

Mr. Fox seconded this motion, and called upon his friends for support in opposing the original motion.

Sir Thomas Davenport. Sir *Thomas Davenport* deprecated the original motion—He said either the High Bailiff possessed a legal authority for his conduct as a returning officer, or he did not. If he was vested with a legal authority, he ought to be left in the undisturbed exercise of it.

The Solicitor General. The *Solicitor General* (Mr. Macdonald) said, the whole amount of the original motion was nothing more than an instruction from the Chair to expedite the business of the scrutiny.

Mr. Burke. Mr. *Burke* rose to reprobate the conduct of the House, which he complained of as strangely inconsistent—It reminded him of the caprice of a female, who was obliging to different

different gentlemen over night, and forgot on whom she had bestowed her favours next morning. In like manner, the House had spent a whole day and night in establishing the doctrine, that the High Bailiff possessed a discretion, and now they were going to vote a resolution to put an end to that discretion completely. The strength of this contradictory conduct excited the indignation of Mr. Burke, and he spoke in a tone of expression which gave some displeasure to the Treasury Bench, who said something that Mr. Burke did not relish, as he sat down with saying, he little minded the ill treatment of a parcel of boys.

This occasioned a call to order—Upon which

Mr. *Dundas* rose, and calmed the rising storm, by an appeal to Mr. Burke's good sense, whether a new Parliament could be expected to bear abuse with patience, or to endure their being called a parcel of boys? Mr. Dundas.

Mr. *Burke* apologised for his vehemence, declaring that he felt the utmost respect for the House; that he knew every thing depended on the British House of Commons, and he was ready to bow down to any censure the House might think proper to bestow on him; but that when he used the term, a parcel of boys, he meant to apply it to the Ministry, who, he conceived, were insulting him with their triumph. grey hairs ought to be allowed the privilege of expressing displeasure, when it was founded on the rash exultation of mere boys. Mr. Burke.

The House divided on the question of adjournment;

Ayes, - - - - - - - - - - -	90
Noes, - - - - - - - - - - -	178

The main question was then put and carried.

The High Bailiff was then called in, and Mr. Speaker acquainted him with the said resolution*.

June 11.

Mr. Sawbridge being called to from the Chair, immediately after the ballot for an election Committee, desired permission of the House to wait a few minutes for the Chancellor of the Exchequer (who was sitting on an election Committee) before he made his motion, as he hoped to receive the support of the right honourable gentleman.

* The scrutiny was then proceeded in, and continued through the whole session -- An account of the issue will be given in its proper place.

Ld. Mahon. Lord *Mahon* declared himſelf a ſincere friend to the motion, and as ſuch, he wiſhed the honourable gentleman would put it off till Tueſday, or ſome day next week, when there could be a better attendance obtained.

Mr. Sawbridge. Mr. *Sawbridge* ſaid, his reaſon for wiſhing to make it then was, becauſe he was really afraid the members were going out of town. If he was ſure that was not the caſe, and that the friends of the motion had rather it were made another day, he would make no objection.

Capt. James Luttrell. Captain *James Luttrell* ſeemed to apprehend, that the worthy Alderman only meant to put off his motion from day to day and never to bring it on. Under this idea Mr. Luttrell ſaid, that every motion was to be made to the Houſe as a Houſe of Commons, who were perfectly competent to diſcuſs every queſtion of a public kind, and that however high, or however reſpectable the ſituation and character of individuals might be, their caſual abſence ought not to prevent buſineſs from being brought on. Mr. Luttrell obſerved, the great recommendation of Mr. Grenville's bill had ever been profeſſed to be, that it tended to promote the diſpatch of buſineſs. It was plain, however, if the Chancellor of His Majeſty's Exchequer was choſen on election Committees, and the doctrine prevailed, that no buſineſs of a public and important nature was to be brought forward in the Houſe of Commons during the Miniſter's abſence, that the bill did not tend ſo much to the diſpatch of national buſineſs as it was ſaid to do.

Mr. Sawbridge. Mr. *Sawbridge* declared himſelf ſurprized at the honourable gentleman's attack. He had expreſſed no wiſh to defer the motion of which he had given notice, but it was always cuſtomary when motions of a great and important nature were coming on, to wait for the Chancellor of His Majeſty's Exchequer, or which ever of His Majeſty's Miniſters happened to ſit in that Houſe. Other buſineſs of a great national concern ſtood for that day. Would the honourable gentleman ſay, that buſineſs either would or ought to be brought forward in the abſence of the Miniſter. With regard to his motion relative to a parliamentary reform, he relied on receiving great ſupport from the Chancellor of the Exchequer, and therefore he ſhould certainly have waited a few minutes longer for him, had he not ſeen him enter the Houſe.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* having come in while Mr. Sawbridge was ſpeaking, ſaid, he had collected from a few words he had heard from the worthy Alderman, that the Houſe had waited

for

for him. He was extremely ſorry to find that had been the caſe, but the ſituation he had been in for the paſt two or three days (on the Pontefract Committee) left him but little leiſure to attend to the neceſſary buſineſs of his office; he had, notwithſtanding, endeavoured to come down as ſoon as poſſible.

Mr. Sawbridge then roſe, and was proceeding to open the grounds of his motion, when he was interrupted by

Mr. *Wilberforce*, who begged pardon of the worthy Alderman for thus early interrupting him; but he did it thus early, because he wiſhed him to deſiſt from making his motion that day, and ſhould be glad if he could prevail on him to make it any day next week. Mr. Wilberforce ſaid, no man was more ſincerely a friend to the motion than he was, and he really thought, if proper notice was given, a much better attendance might be obtained, and he truſted better ſucceſs. [*A cry of* Go on, go on, *ariſing.*] Mr. Wilberforce deſired the worthy Alderman to make a diſtinction between the friends and the enemies of his promiſed motion. Thoſe who wiſhed it well, as he did, muſt wiſh that a queſtion of ſuch magnitude might come under diſcuſſion in as full a Houſe as poſſible; thoſe on the contrary, who were its enemies, would be glad to have it agitated in a thin Houſe, that they might the more eaſily get rid of it altogether. Mr. Wilberforce.

Mr. *Sawbridge* ſaid, he was greatly obliged to the honourable gentleman, and was willing to meet his wiſhes, provided the Houſe thought another day would procure a fuller attendance. If not, he was ready to go on. He hoped, however, if the motion was put off, that the honourable gentleman would take care that his friends attended when it was brought on, and give it their ſupport. His own friends, Mr. Sawbridge ſaid, he was ſure would attend. Mr. Sawbridge.

Mr. *Wilberforce* ſaid, the honourable gentleman had called upon him to undertake more than he could anſwer for. He would certainly attend himſelf, and give the motion his ſupport, but he could not take upon himſelf to ſay ſo much for other perſons. He would undertake, however, to uſe every argument in his power to prevail on his friends to attend, and he was firmly of opinion, that upon proper notice being given, a much fuller attendance than was the caſe then, might be obtained. The reaſon why the Houſe was ſo thin, Mr. Wilberforce ſaid, he conceived to ariſe from the circumſtance of the motion's having been expected to be made the preceding day, whence gentlemen had entered into engagements for that day, when it was not ſuppoſed ſuch a motion would have come under diſcuſſion. Mr. Wilberforce.

Captain

Capt. James Luttrell. Captain *James Luttrell* rose once more, and said, if the honourable gentleman put off his motion upon the plea, that the House was not full enough to take it into discussion, he must protest against such a plea. If, on the other hand, he put it off, on declaring that his reason for so doing was the absence of some particular persons, who had studied the subject with great attention, and were capable of throwing new lights upon it, and giving the House information, that might prove material, he had no manner of objection. With regard to the attendance, after the honourable gentleman had disposed of his motion, he had business of very great importance to bring on, and that business he certainly should bring on, because the House was not only competent to attend to it, but he remembered in the last Parliament, that estimates of the ordnance, to a considerable amount, were debated and voted in a House not half so full. With regard to a reform in the state of parliamentary representation, it was a matter, as to the principle of which many men were agreed, but the difficulty lay in hitting upon a plan most practicable. He wished, therefore, that the motion of the honourable gentleman might no longer be put off, at least he repeated it, that if it were put off on pretence that the House was not sufficiently full, against such a plea he desired to enter his protest.

Ld. North. Lord *North* said, the motion, he was free to say, was not a motion to which he was indifferent; but he certainly was indifferent as to the day on which it should be brought on. He rose, however, principally to observe, that the sort of rebuke, which had been given to the worthy Alderman was not deserved, since nothing could have been more polite or more accommodating than the honourable magistrate's behaviour to every gentleman who had spoken upon the subject.

Mr. Sawbridge. Mr. *Sawbridge* said, there was a distinction between the conduct of the two honourable gentlemen who had spoken on the other side of the House. The gentleman who spoke first had very civilly desired him to postpone his motion, and the other gentleman had endeavoured to compel him to bring it on, though he must know, if he did not choose it, no member had it in his power to oblige him to make it.. As he never took advice from his enemies, he certainly should not attend to what had fallen from the honourable gentleman who had spoken last of the two, because from what he had said, he saw plainly that he was no friend to his purpose, but he would take the advice of the other honourable gentleman, and put off his motion till the Wednesday following.

The

The House having resolved itself into a Committee of Supply, Mr. Gilbert took his seat at the table, and

Captain *James Luttrell* (Surveyor-general of the Ordnance) proceeded to open the estimates, and explain the several articles contained under the three distinct heads of Ordinary, Extraordinary, and Unprovided Services. Mr. Luttrell said, there was some difference between the estimates then under consideration, and those that had been presented to the last Parliament and voted by the Committee of Supply. This difference he accounted for by stating that an estimate made up to the end of May must necessarily amount to more than an estimate made up to some earlier month in the year. He also stated that several of the articles that had been crossed out of the last estimates, and not voted by the last Parliament, were re-inserted in these. He particularly mentioned 50,000l. that was now put down for fortifications for the better security of Portsmouth and Plymouth, which, he informed the House, was so much for one year's prosecution of a general plan of fortification, in order effectually to secure those two important dock-yards and garrisons from any surprise or invasion by our enemies. He enlarged upon the utility of such a measure's being adopted, and the great national loss and calamity that would attend the destruction of either of those places, a destruction that would necessarily involve in it the destruction of the greatest part of our navy and of our naval stores. He entered pretty fully into the discussion of the ordnance debt, and stated that sound policy required, that it should be discharged as soon as possible, since such was the effect it had at present, that the Board of Ordnance could make no contract with any artificer, or engage for any work for the public service, but at the immediate discount of eight and twenty per cent. He enlarged upon this disadvantage, and expressed an earnest wish, that by a speedy discharge of the debt, the Ordnance might be enabled to deal for ready money only, by which means, he was sure, the Public would save considerable sums annually. Mr Luttrell said, he believed the best way for him to proceed, was to move his resolutions one after the other, and as gentlemen might think explanation necessary, to rise and give it, as often as it was called for. He concluded with moving, "that a sum not exceeding 181,141l. 6s. 4d. be granted for defraying the expence "of services performed by the Office of Ordnance for land "service, and not provided for by Parliament in 1783."

Capt. James Luttrell.

Mr. *Hussey* said, he thought it was his duty to do on the present occasion, what he had done when the Ordnance

Mr. Hussey.

estimate was under the consideration of the Committee of Supply in the last Parliament, viz. to rise and make a few observations on such part of the estimate as did not appear satisfactory to him. He agreed perfectly with the honourable gentleman who had opened the estimate, in the idea, that it was much to be wished that the Board of Ordnance were enabled to deal for ready money. He always had been of this opinion, because he was persuaded the end of œconomy would be answered by it, and a considerable saving made for the Public. He declared, that no man had a higher opinion of the noble Duke at the head of the Ordnance than he had. He was persuaded he had the public good sincerely at heart, and would act honestly and uprightly in his office, but nevertheless it was his duty, as a member of Parliament to say, what part of any estimate presented to the House, appeared to him to be objectionable; they all knew, it was the peculiar duty of the House to watch professional men, and to entertain a kind of constitutional jealousy of every part of their official conduct. That sort of jealousy he ever should feel, and from that feeling, he could not give his consent to that part of the estimate which stated 50,000l. for fortifications. He knew very well, that officers high in rank and experience, approved of those fortifications, and thought them requisite for the defence and security of our dock-yards. It was, he said, extremely true, that the security of Portsmouth and Plymouth was an object of the first importance, and that the destruction of either would be of the most fatal consequence, but still he must adhere to his old opinion, that the best defence and protection of our dock-yards, and indeed of the whole of our coasts, was our navy. That was the means of security in which he placed the greatest degree of confidence, and therefore he must object to that article of the estimate which regarded the fortifications; and as the right honourable gentleman at the head of His Majesty's Exchequer, had himself consented, when the Ordnance estimates had been under the consideration of the last Parliament, to strike the expence of the fortifications out of them, he flattered himself, he should have his support on the present occasion.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* complimented Mr. Hussey, on the proper manner in which he had that day discharged, and in which indeed he on every occasion discharged his parliamentary duty. Mr. Pitt admitted, that it was at all times the duty of the House to watch professional men, in order to prevent their partialities to particular services, from inducing them to ask for and apply a greater part of the public money to those

thoſe ſervices, than on a fair conſideration of all the different public ſervices, ought in propriety to be appropriated to them. He allowed alſo, that the national expenditure ought to be at all times narrowly watched, but more eſpecially when œconomy was ſo extremely neceſſary. He ſaid, he agreed perfectly in opinion with the honourable gentleman, that the noble Duke at the head of the Ordnance was, of all men, the moſt to be relied on, and the perſon, who afforded the leaſt occaſion for that conſtitutional jealouſy to be entertained reſpecting his conduct, of any man in public office. In this opinion, and in an acknowledgement, that no man was more watchful of the public expenditure, more zealouſly a friend to œconomy, and more careful to promote it on every occaſion, he believed, the generality of that Houſe and of the Public would readily join. With regard to his having conſented to ſtrike the article of fortifications out of the Ordnance eſtimates, when preſented to the laſt Parliament, it was undoubtedly true; it was alſo true, that there were in the preſent eſtimates other articles, which he had likewiſe conſented to leave out, and not to vote till another year. But thoſe gentlemen who had been preſent at the time would be pleaſed to recollect, that he had ſo conſented, in order that the neceſſity for thoſe articles might be inquired into, and aſcertained. The interval of time that had paſſed, ſince the Ordnance eſtimates were preſented to the laſt Parliament, had afforded an opportunity for that inveſtigation, and he was now thoroughly convinced of the actual and indiſpenſable neceſſity for the fortifications, and the other articles, ſome of which, upon inquiry, turned out to have been ſtruck out of the former eſtimates very imprudently. He entered into a diſcuſſion of the fortifications projected at Portſmouth and Plymouth, enlarging upon the neceſſity of guarding againſt a ſurpriſe at either of thoſe places, the conſequence of which might be not merely a deſtruction of the greateſt part of our preſent navy, but of the very ſeeds of our future navies. He ſaid, the only way to enable this country to carry on an offenſive war, was to put it in her power to ſend her fleets to diſtant ſcenes of action, and not keep them conſtantly at home for the defence of our coaſts. A defenſive war was generally very expenſive, and we could not often expect it to end otherwiſe than ingloriouſly. The fortifications in queſtion would ſufficiently ſecure our dockyards, and therefore, were propoſitions that were well worth attending to. The navy, he obſerved, was deſervedly a favourite ſervice, and money was liberally voted for it, but it would

would surely be extremely absurd, while they were granting millions for the service of the navy, to refuse to grant thousands to be applied to its preservation. He trusted, therefore, that the Committee would be of opinion, that the fortifications should be proceeded on, and prosecuted to their completion. Mr. Pitt imputed a great part of our misfortunes and burthens to the ruinous system of conducting the public expenditure, that had so long prevailed; a system, the principle of which was to conceal the real amount of our expence, and by a constant series of delusions, appear to be carrying on the public business at a small charge, while we were all the while running deeply in debt. This system, he said, it should be his object to abolish, and in its stead to let the People see from time to time what their expences really were, and, if possible, to incur no expence of any kind, the nature of which had not been previously made known to Parliament, and its consent to it obtained.

Capt. Macbride.

Captain *Macbride* said, he thought it extremely wrong to vote large sums for fortifications, unless the plans of those fortifications were laid on the table, and submitted to the opinions of officers capable of forming a judgement how far they were adviseable or not. It was, in his opinion, to the last degree absurd, for officers of the military to have the conduct of fortifications intended for the security of our sea ports, without communicating the plans of such fortifications to naval officers. The Captain ridiculed the idea of our being afraid of an invasion; he said, what were the enemy to come over in? They would scarcely come over in balloons. What then were people frightened about? They must come in transports; a fleet, therefore, was our only security. And what could occasion our dread of their coming by surprise; they must come in transports, and the enemy had no large port opposite to our coasts. He condemned the fortifications at Portsmouth as an idle waste of the public money, and said, the officer who would attempt to land on the Portsmouth side, would deserve to be hanged up with Jack the Painter for a fool. He entered into a discussion of the situation of the place, and denied that there was a possibility for the secret embarkation or debarkation of a large body of hostile troops. He concluded with objecting to the article of the fortifications.

Capt. James Luttrell.

Captain *James Luttrell* said, he regarded his profession infinitely beyond any office or place he could ever hold, but as a seaman he would maintain, that the fortifications at Portsmouth were highly adviseable. He entered into a distinction between

between the fortifications of a dock-yard and a sea port, and the inland fortifications of cities, towns, &c. as was the custom of France and Germany upon the continent. To these latter he should have as much objection as the honourable officer who had just sat down. The fortification of a city, in the interior of a country, might impede the march of an enemy's army, or the reduction of it might let them penetrate a thousand miles farther; but the case was widely different, when the fortifications of Portsmouth and Plymouth were the subjects of consideration. Mr. Luttrell enlarged upon the great utility of fortifying those places strongly; and among other good effects it would produce, he mentioned as a very considerable one, the enabling us to send our fleets out to sea to meet the enemy, to attack them and to fight them, thus allowing us to carry on an offensive war, the only war Englishmen ought to be engaged in; a war consonant to the genius of the country, and that sort of war in which alone the British flag could be exalted! In illustration of this remark, Mr. Luttrell mentioned what had happened last war, when he had been sent out to drive home all the merchant ships he met, helter skelter, as it were, to any port they could make, that they might not fall into the hands of the Dutch. In order farther to prove that we could not safely rely on our fleets, even for home protection, he put the case, that France should have a fleet of forty sail of the line at sea, and we a fleet of the same number at Portsmouth, and the enemy should come with their whole force to Plymouth, whither a westerly wind would soon waft them. That port, the dock-yard, town, &c. might be all destroyed before we could make Plymouth with our fleet.

Mr. *Hussey* rose to put farther questions; and Sir James Johnstone and several other members took part in the conversation. At length the resolution was agreed to, and also a resolution that a sum not exceeding 429,008l. 2s. 7d. be granted to His Majesty, for the charge of the office of Ordnance for land service in 1784. Mr. Hussey.

June 14.

Mr. *Hussey* objected to the Report of the Ordnance being brought up, he said, a Report respecting the Ordnance had been presented by the Commissioners of Accounts, and he wished to have a previous opportunity of examining that Report. The Commissioners were well paid by the Public, but Mr. Hussey.

but not better than they deſerved, and the public ought to be benefited by their labours.

Capt. James Luttrell.

Mr. *James Luttrell* anſwered, that the Report of the Commiſſioners of Accounts, ſo far from being a reaſon for the propoſed delay, would be found to ſtate the ſtrongeſt arguments for accelerating the buſineſs of the day. He then entered into the ſubject of the Ordnance Report, and wiſhed that the honourable gentleman would inform himſelf better before he brought the charges againſt a public board, which he ſtated him to have done in the former debate.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* ſtated that the Report of the Commiſſioners of Accounts which related to reforms in office, and to ſome ſavings in the mode of paſſing the accounts, was ſurely no reaſon for poſtponing a vote of payment of a debt incurred.

Mr. Eden.

Mr. *Eden* ſaid, that perhaps it was not irregular to refer to the former debate, the preſent queſtion being in ſtrictneſs a mere continuation of that debate, and as his honourable friend had been accuſed of making charges with raſhneſs and ignorance againſt the Board of Ordnance, he, who had been preſent during the converſation alluded to, thought it a juſt attention to his honourable friend to declare, that there never was an inſtance in which a ſubject of accounts had been diſcuſſed with more propriety and fairneſs, or with a more juſt diſcernment and knowledge of the buſineſs. As to receiving the Report of the Ordnance, he agreed with the right honourable gentleman, that it might be received immediately without any want of proper reſpect to the Commiſſioners of Accounts. Gentlemen were always laviſh of their praiſes on thoſe Commiſſioners, who well deſerved much praiſe; but he wiſhed that the Houſe would give an uſeful attention inſtead of empty compliments to the many Reports which had been preſented and printed. One Report alone, preſented in the beginning of the laſt ſeſſion, ſuggeſted a ſaving of 120,000l. a year; it had been much admired, but had never yet been diſcuſſed.

Capt. James Luttrell.

Mr. *Luttrell* explained, that he had not meant to convey an idea of cenſure on the honourable gentleman, but perſiſted in preſſing forwards the buſineſs.

The report was brought up and agreed to.

The Houſe then went into a Committee of Supply, and Sir George Yonge moved for the following ſums:

636,190l. 9s. 1d. for guards, gariſons, &c. in Britain.

284,213l. 2s. 9d. for the forces in the plantations.

8252l. 7s. 9d. for the forces in the Eaſt Indies.

6080l.

6080l. 6s. 6d. for the British staff.

9371l. 17s. 9d. for two Hanoverian battalions.

67,551l. 14s. 1d. for the Paymaster General and other officers.

173,001l. 15s. 5⅝d. for Chelsea Hospital, &c.

4830l. 7s. 6d. roads and bridges in Scotland.

317,076l. 17s. 9d. extraordinaries.

2,043,915l. 3s. 0d. extraordinaries.

These motions were all agreed to; and the Committee then voted several sums to the sinking fund, to make up for payments made from it.

Mr *Burke* then rose to make a motion relative to the King's speech, of which he gave the House notice the week before. He began by saying, that he had undertaken a task to which he knew his abilities were not equal, but in so doing, he felt that he differed not from the rest of mankind, who seeing an occasion for a great exertion of humanity, followed the impulse of their feelings, without being deterred by the consideration, that their exertion would be to no purpose. He declared that in what he was about to do, he acted solely from himself, without having consulted any man upon earth: the question therefore that he intended to propose, ought not to be considered as a party question? it was exclusively his own; and there would be no cause for triumph, if it should be rejected, as it was the measure of an inconsiderable individual; and as he was resolved to conform to the sense of the House, he would not call for a division, if he should find his proposition was not universally approved.

At this time of day, he observed, the question might not appear of very great consequence to some gentlemen; but to him it appeared to be of so great a magnitude, that it occupied his whole mind; and he was not ashamed to say that his soul was full of it: a Parliament had been sentenced, condemned, and executed, and no notice had yet been taken of so great and extraordinary an event! If the meanest subject in the land had died suddenly, or by violent means, an inquest would have taken cognizance of the case, and enquired into the causes of his death; but the Parliament of Great Britain has been put to a violent death; and no Coroner had yet held an inquest on the body! No enquiry had been made whether it had been *felo de se*, or *jure cæsus!* Did the people then think the sudden death of Parliament was a subject too trifling for enquiry? Or did they think

that

that all which might have been apprehended from such a death, had perished with the Parliament? He feared, alas, that the fatal consequence of it would long survive it, and be entailed on future Parliaments! Much had been said of the sense of the People as the grounds on which Ministers might rest their defence of the late dissolution; and on this head he was ready to confess that the sense of the People, however erroneous at times, must always govern the Legislature of this country: but it was difficult to collect that sense; and it was sometimes the duty of the better informed, and more enlightened part of the community, to resist the sense of the People, when it appeared that the People were deceived or misled. For his part, he did not think that the wiser part of the Public approved of the dissolution of the late Parliament, or disapproved of the measures which avowedly were the occasion of that event: the People, in his opinion, might be divided into three classes, one composed of persons who, dazzled with the lustre of the Crown, could never bring themselves to think that Government might be in the wrong; they were the political high flyers, who made it a point to support the Crown *à tort et à travers*: this class, he said, was very numerous; and in it, he was sorry to add, were to be found many very respectable characters. In the second class he placed those who, though sworn enemies to the Crown, were ever ready to fall upon the House of Commons, because they conceived that House to be the constitutional guardians and defenders of that species of monarchy which in this country had ever been thought necessary for the well-being of Government. These two bodies of men, he said, generally united in running down the House of Commons, though with the most opposite views. The third class consisted of all those persons who did not enter into the other two; they were the moderate and impartial, who, alike friends to the Crown, and to the democratic part of the Constitution, wished to maintain both in the full enjoyment of their respective prerogatives and privileges. Of these he would not hesitate to say, full three-fourths went heart and hand with the late House of Commons; the other fourth-part, he believed, had been driven by misrepresentations into a confederacy with two classes of men whose principles they equally detested, the lovers of absolute monarchy, and the sworn enemies of every species of monarchy. He trusted, indeed, that many of them had lately been undeceived; it was the duty of the House of Commons to warn the remainder of the dangers

to which they expoſed their liberties, through the deluſion under which they acted. He feared there was a ſettled plan to deſtroy, not the form, but the eſſence and efficacy of the Houſe of Commons. Doctrines, big with danger to the Conſtitution had been broached within the two laſt years, firſt by the noble Lord who was at the head of the Adminiſtration before the laſt (the Earl of Shelburne) and lately revived by the Miniſter who had received his political education at the feet of that Gamaliel. In a ſpeech from the Throne, at the opening of the ſeſſion before the laſt, the King was made to ſay by that Miniſter, that the People expected unanimous exertions on the part of the Houſe: this aſſumption of the tribunitian power by the Sovereign, was truly alarming. When Auguſtus Cæſar modeſtly conſented to become the tribune of the People, Rome gave up into the hands of that Prince the only remaining ſhield ſhe had to protect her liberty. The tribunitian power in this country, as in ancient Rome, was wiſely kept diſtinct and ſeparate from the executive power: in this government it was conſtitutionally lodged where it ought naturally to be lodged, in the Houſe of Commons: and to that Houſe the people ought firſt to carry their complaints, even when they were directed againſt the meaſures of the Houſe itſelf: but now the People were taught to paſs by the door of the Houſe of Commons, and ſupplicate the Throne for the protection of their liberties; hence the diſſolution of the late Parliament pretendedly in obedience to the ſenſe of the People; from addreſſes the ſenſe of the People had been collected, and not from the Houſe of Commons. But he warned the People to beware of this double Houſe of Commons, which Miniſters were erecting on the foundation of their deluſion; the Commons of England in Parliament aſſembled; and the Commons of England in corporation and county meetings diſperſed: an artful Miniſter would craftily play off the one after the other; he would make uſe of a pliant Houſe of Commons to oppreſs the People; and he would make uſe of a deluded Houſe of Commons, diſperſed through the country, to awe a refractory or independent collected Houſe of Commons. If the proceedings of the late Parliament had been really diſagreeable to the People, why had they not petitioned that Houſe againſt thoſe proceedings? If they had petitioned, and their prayers had been diſregarded, or treated with contempt, then addreſſes to the Throne for a diſſolution of Parliament would have been extremely proper: when public œconomy became the general wiſh of the People,

 petitions

petitions were presented not to the Crown, but to the House of Commons; but means had been contrived of late so to delude the People, as to make them the very instruments of the degradation of that branch of the Government; the destruction of which must necessarily be attended with the loss of their liberty. The East-India bill had been made the specious pretext of the dissolution; it was represented as a violent attack upon the franchises of the people, an invasion of the royal prerogative, and a medium through which the late Ministers intended to have secured to themselves a power paramount to every power in the kingdom. In defence of that bill, he said, that it did not appear reasonable that the Proprietors of East-India stock should in future retain in their hands a power which they had so grossly abused; by which they had plundered and rendered miserable many millions of persons, who were under the protection of this nation; a power which had enabled them to enter into the most unjust and impolitic wars, the consequence of which brought very heavy expence upon this kingdom. As to the invasion of the Royal prerogative, he was surprised to hear that brought as a charge laid at the door of the East-India bill. The power of making war, and of carrying it on, where and in what manner he pleased, was certainly one of the first and greatest prerogatives of the Crown; and yet the late House of Commons not only addressed the King not to carry on the war on the continent of America, but went so far even as to vote that man an enemy to his country who should advise the carrying of it on, or who should assist in it; so that though Sir Henry Clinton, for instance, was bound by the Mutiny act to obey the King's orders, as Captain General of the forces, and was even liable to be shot if he should refuse to obey them, still the resolutions of the House of Commons would attach upon him, and suspend the whole system of military subordination; and yet that resolution had been supported by the warmest friends of the present Ministry, and by himself; and no one ever thought of making it a ground for the dissolution of the Parliament. As to the patronage of the East-India Company, which it was said Ministry intended to make the means of rendering themselves paramount to the Crown, he observed, that those who were at this moment in full possession of that patronage (the Company) were very far from being independent of the Crown, so far from being paramount to it; and he could assure the House, on his con-

ſcience, and on his honour, that the perſons who were to have been at the head of the Company's affairs, had been buſied in deviſing means by which they might have put it moſt effectually out of their own power to derive any emolument or parliamentary ſupport from their ſituation: and he himſelf had made it a point to ſhut his ears to every application that had been made to him for his influence with thoſe who were to have been in the direction of India affairs, under the bill brought in by his right honourable friend: to the truth of this aſſertion he called God to be his witneſs; and he aſſured the Houſe, that by his conduct on that occaſion he had made himſelf many enemies, and not one friend. But had his right honourable friend's bill been as bad as ſome people had repreſented it to be, ſtill he would maintain that the King could not, conſtitutionally ſpeaking, aſſign the exiſtence of ſuch a bill as the reaſon for his diſſolving the Parliament; for, in the firſt place, he ought not to have known that a bill was in exiſtence; and in the next, the Houſe had a right to entertain whatever bill it pleaſed, even if it were poſſible that it could be treaſonable, or if it were even for lopping off a whole branch of the prerogative; a bill of excluſion had been entertained by Parliament: and if the day ſhould come when either a member of the Houſe, or the whole Houſe, ſhould be made reſponſible for a part taken in any bill, on that day would the liberties of England expire. An attack might be made on the prerogative by the Houſe of Peers; and yet that would be no ground for a diſſolution, as the Peers of the new Parliament would be preciſely the ſame who attacked the prerogatives in the laſt. This was a time which called upon the Houſe to oppoſe doctrines which ſeemed to be gaining ground: a noble Lord (Shelburne) had often mentioned the balance of the different branches of the Conſtitution — but for his part he reprobated the idea: this was not a government of balances: and a noble Duke (Richmond) in his letter to the Volunteers of Ireland, had poſitively rejected the idea of a balance; for he would not allow the King a negative on the acts of both Houſes, as it would be ſtrange indeed (obſerved his Grace) that one man ſhould have it in his power, by his negative, to counteract the wiſdom of the Lords and Commons, or, in other words, of the whole nation. This obſervation, Mr. Burke ſaid, might as well be applied to the Houſe of Lords; for it would be a ſtrange thing if two hundred Peers ſhould have it in their power to defeat by their negative what had been

 done

done by the People of England. He concluded by obſerving, that if the meaſures of the late Parliament were unconſtitutional, they ought to be condemned and cenſured: if, on the other hand, they were ſtrictly conſtitutional, it was the more incumbent on the preſent Houſe to defend and maintain them, as the laſt Houſe was ſaid to have been put to death for having ſupported them.

He concluded with making his motion, which was as follows:

That a repreſentation be preſented to His Majeſty, moſt humbly to offer to his royal conſideration, that the addreſs of this Houſe upon His Majeſty's ſpeech from the throne, was dictated ſolely by our conviction of His Majeſty's own moſt gracious intentions towards his People, which, as we feel with gratitude, ſo we are ever ready to acknowledge with chearfulneſs and ſatisfaction.

Impreſſed with theſe ſentiments, we were willing to ſeparate from our general expreſſions of duty, reſpect, and veneration to His Majeſty's royal perſon, and his princely virtues, all diſcuſſion whatever with relation to ſeveral of the matters ſuggeſted, and ſeveral of the expreſſions employed, in that ſpeech.

That it was not fit or becoming that any decided opinion ſhould be formed by his faithful Commons on that ſpeech, without a degree of deliberation adequate to the importance of the object. Having afforded ourſelves due time for that deliberation, we do now moſt humbly beg leave to repreſent to His Majeſty, that, in the ſpeech from the Throne, his Miniſters have thought proper to uſe a language of a very alarming import, unauthoriſed by the practice of good times, and irreconcileable to the principles of this Government.

Humbly to expreſs to His Majeſty, that it is the privilege and duty of this Houſe to guard the Conſtitution from all infringement on the part of Miniſters; and, whenever the occaſion requires it, to warn them againſt any abuſe of the authorities committed to them: but it is very lately *, that, in a manner not more unſeemly than irregular and prepoſterous, Miniſters have thought proper, by admonition from the Throne implying diſtruſt and reproach, to convey the expectations of the People to us, their ſole repreſentatives †; and

* See King's ſpeech, Dec. 5, 1782, and May 19, 1784.

† "I will never ſubmit to the doctrines I have heard this day from "the Wooſack, that the other Houſe (Houſe of Commons) are the "only

and have presumed to caution us, the general guardians of the Constitution, against any infringement of it on our parts.

This dangerous innovation we, his faithful Commons, think it our duty to mark; and as these admonitions from the Throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

This House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents: nor do we desire to straiten any of the avenues to the Throne, or to either House of Parliament. But the ancient order, in which the rights of the People have been exercised, is not a restriction of these rights. It is a method providently framed in favour of those privileges, which it preserves and enforces by keeping in that course which has been found the most effectual for answering their ends. His Majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense; and he may grant such redress as the legal powers of the Crown enables the Crown to afford. This, and the other House of Parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his People His Majesty is to receive from his Commons in Parliament assembled. It would destroy the whole spirit of the constitution, if his Commons were to receive that sense from the Ministers of the Crown, or to admit them to be a proper or a regular channel for conveying it.

That the Ministers in the said speech declare, "His Majesty has a just and confident reliance, that we (his faithful Commons) are animated with the same sentiments of loyalty, and the same attachment to our excellent Constitution, which he had the happiness to see so fully manifested in every part of the kingdom."

To represent that his faithful Commons have never failed in loyalty to His Majesty; it is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after

"only representatives and guardians of the People's rights; I boldly "maintain the contrary: I say this House (House of Lords) is equally "the representative of the People." — Lord Shelburne's speech, April 8, 1778. Vide this work, Vol. X. page 392.

His

His Majesty has sat for so many years, with the full support of all descriptions of his subjects, on the throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful Commons; as many circumstances lead us to apprehend that therein the Ministers have reference to some other measures and principles of loyalty, and to some other ideas of the constitution, than the laws require, or the practice of Parliament will admit.

No regular communication of the proofs of loyalty and attachment to the Constitution, alluded to in the speech from the Throne, have been laid before this House, in order to enable us to judge of the nature, tendency, or occasion of them, or in what particular acts they were displayed: but if we are to suppose the manifestations of loyalty (which are held out to us as an example of imitation) consist in certain addresses delivered to His Majesty, promising support to His Majesty in the exercise of his prerogative, and thanking His Majesty for removing certain of his Ministers on account of the votes they have given upon bills depending in Parliament; if this be the example of loyalty alluded to in the speech from the Throne, then we must beg leave to express our serious concern for the impression which has been made on many of our fellow subjects by misrepresentations, which have seduced them into a seeming approbation of proceedings subversive to their own freedom. We conceive, that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of Parliament which they were led to censure.

We shall act more advisedly. The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming Parliament. Above all, we shall take care that none of the rights and privileges, always claimed, and since the accession of His Majesty's illustrious family constantly exercised by this House, (and which we hold and exercise in trust for the Commons of Great Britain,

tain, and for their benefit) ſhall be conſtructively ſurrendered, or even weakened and impaired under ambiguous phraſes and implications of cenſure on the late parliamentary proceedings. If theſe claims are not well founded, they ought to be honeſtly abandoned; if they are juſt, they ought to be ſteadily and reſolutely maintained.

Of His Majeſty's own gracious diſpoſition towards the true principles of our free conſtitution, his faithful Commons never did, or could, entertain a doubt: but we humbly beg leave to expreſs to His Majeſty our uneaſineſs concerning other new and unuſual expreſſions of his Miniſters, declaratory of a reſolution "to ſupport, in their juſt balance, the rights and privileges of every branch of the "Legiſlature."

It were deſirable that all hazardous theories concerning a balance of rights and privileges (a mode of expreſſion wholly foreign to parliamentary uſage) might have been forborne. His Majeſty's faithful Commons are well inſtructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their anceſtors: they are not unacquainted with the rights and privileges of the Houſe of Peers; and they know and reſpect the lawful prerogatives of the Crown: but they do not think it ſafe to admit any thing concerning the exiſtence of a balance of thoſe rights, privileges, and prerogatives; nor are they able to diſcern to what objects Miniſters would apply their fiction of a balance; nor what they would conſider as a juſt one. Theſe unauthoriſed doctrines have a tendency to ſtir improper diſcuſſions; and to lead to miſchievous innovations in the Conſtitution*.

That

* Lord Shelburne, in his ſpeech, April 8, 1778, expreſſed himſelf as follows: vide this work, vol. X.

"The noble and learned Lord on the woolſack, in the debate "which opened the buſineſs of this day, aſſerted, that your Lord"ſhips were incompetent to make any alteration in a money bill, or "a bill of ſupply. I ſhould be glad to ſee the matter fully and fairly "diſcuſſed, and the ſubject brought forward and argued upon prece"dent as well as all its collateral relations. I ſhould be pleaſed to "ſee the queſtion fairly committed, were it for no other reaſon but to "hear the ſleek, ſmooth Contractors from the other Houſe, come to "that bar and declare, that they, and they only, could frame a mo"ney bill; and they, and they only, could diſpoſe of the property "of the Peers of Great Britain. Perhaps ſome arguments more

"plauſible

That his faithful Commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men, that on all occasions, resort should be had to the happy practice of Parliament, and to those solid maxims of government which have prevailed since the accession of His Majesty's illustrious family, as furnishing the only safe principles on which the Crown and Parliament can proceed.

We think it the more necessary to be cautious on this head, as, in the last Parliament, the present Ministers had thought proper to countenance, if not to suggest, an attack upon the most clear and undoubted rights and privileges of this House.

Fearing, from these extraordinary admonitions, and from the new doctrines which seem to have dictated several unusual expressions, that His Majesty has been abused by false representations of the late proceedings in Parliament, we think it our duty respectfully to inform His Majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the Peers, by the late House of Commons, in any of their addresses, votes, or resolutions: neither do we know of any proceeding by bill, in which it was proposed to abridge the extent of his royal prerogative: but if such provision had existed in any bill, we protest and we declare against all speeches, acts or addresses, from any person whatsoever, which have a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the Throne. Necessary reformations may hereafter require, as they have frequently done in former times, limitations and abridgements, and in some cases an entire extinction of some branch of prerogative. If bills should be improper in the form in which they appear in the House

" plausible than those I heard this day from the woolsack, to shew " that the Commons have an uncontrollable, unqualified right, to " bind your Lordships' property, may be urged by them. At present " I beg leave to differ from the noble and learned Lord; for until the " claim, after a solemn discussion of the House, is openly and di- " rectly relinquished, I shall continue to be of opinion, that your Lord- " ships have a right to alter, amend, or reject a money bill."

The Duke of Richmond also, in his letter to the volunteers of Ireland, speaks of several of the powers exercised by the House of Commons, in the light of usurpations; and his Grace is of opinion, that when the People are restored to what he conceives to be their rights, in electing the House of Commons, the other branches of the Legislature ought to be restored to theirs. Vide Remembrancer, vol. XVI.

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where they originate, they are liable, by the wisdom of this Constitution, to be corrected, and even to be totally set aside, elsewhere. This is the known, the legal, and the safe remedy: but whatever, by the manifestation of the Royal displeasure, tends to intimidate individual members from proposing, or this House from receiving, debating, and passing bills, tends to prevent even the beginning of every reformation in the State; and utterly destroys the deliberative capacity of Parliament. We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the Crown, in any mode whatever, for the votes which they give, or the propositions which they make, in Parliament.

We humbly conceive, that besides its share of the legislative power, and its right of impeachment, by the law and usage of Parliament, this House has other powers and capacities, which it is bound to maintain. This House is assured, that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded; and that it will be followed by the same effects which it has ever produced, during the happy and glorious reigns of His Majesty's Royal Progenitors; not doubting but that, in all those points, we shall be considered as a council of wisdom and weight to advise, and not merely as an accuser of competence to criminate *. This House claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for His Majesty's and the national service. Whenever we shall see it expedient to offer our advice concerning His Majesty's servants, who are those of the Public, we confidently hope, that the personal favour of any Minister, or any set of Ministers, will not be more dear to His Majesty, than the credit and character of an House of Commons. It is an experiment full of peril to put the representative wisdom and justice of His Majesty's People in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation from the authority of the Commons of Great Britain in Parliament

* "I observe at the same time, that there is no charge or complaint suggested against my present Ministers."—The King's answer, 25th February, 1784, to the address of the House of Commons.

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assembled: it is a contrivance full of danger, for Ministers to set up the representative and constituent bodies of the Commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the Crown. In such a situation of things, these advisers, taking advantage of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and constituent bodies, as parties contending for credit and influence at the Throne, sacrifices will be made by both; and the whole can end in nothing but the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the People to the Throne than by the House of Commons, it ought to be fixed and defined, and its authority ought to be settled: it ought not to exist in so precarious and dependent a state as that Ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect, or to reject it with scorn.

It is the undoubted prerogative of the Crown to dissolve Parliament; but we beg leave to lay before His Majesty, that it is, of all the trusts vested in his Majesty, the most critical and delicate, and that in which this House has the most reason to require, not only the good faith, but the favour of the Crown. His Commons are not always upon a par with his Ministers in an application to popular judgement: it is not in the power of the members of this House to go to their election at the moment the most favourable to them. It is in the power of the Crown to choose a time for their dissolution whilst great and arduous matters of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honour that belongs, and to the consideration that is due, to members of Parliament.

With his Majesty is the gift of all the rewards, the honours, distinctions, favour, and grace of the State; with his Majesty is the mitigation of all the rigours of the law; and we rejoice to see the Crown possessed of trusts calculated to obtain good-will, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature, and justice and safety is all we can expect in the exercise of them.

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We are to offer salutary, which is not always pleasing, council: we are to inquire and accuse; and the objects of our inquiry and charge will be for the most part persons of wealth, power, and extensive connections: we are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free; what is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the House of Commons is seen and felt in every burden that presses on the people. Whilst, ultimately, we are serving them, and in the first instance whilst we are serving His Majesty, it will be hard, indeed, if we should see a House of Commons the victim of its zeal and fidelity, sacrificed by his Ministers to those very popular discontents which shall be excited by our dutiful endeavours for the security and greatness of his Throne. No other consequence can result from such an example, but that, in future, the House of Commons, consulting its safety at the expence of its duties, and suffering the whole energy of the State to be relaxed, will shrink from every service, which, however necessary, is of a great and arduous nature, or that, willing to provide for the public necessities, and, at the same time, to secure the means of performing that task, they will exchange independence for protection, and will court a subservient existence through the favour of those Ministers of State, or those secret advisers, who ought themselves to stand in awe of the Commons of this realm.

An House of Commons, respected by his Ministers, is essential to His Majesty's service: it is fit that they should yield to Parliament, and not that Parliament should be broken and new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his Majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of Administration; and will lose that independent character which, inseparably connecting the honour and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government. It is the deference shewn to our opinion, when we dissent from the servants of the Crown, which alone can give authority to the proceedings of this House, when it concurs with their measures.

That authority once lost, the credit of His Majesty's Crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse

with this nation, will look in vain for that hold which gave a connection with Great Britain the preference to an alliance with any other State. An House of Commons, of which Ministers were known to stand in awe, where every thing was necessarily discussed, on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith, which the engagement of no State dependent on the fluctuation of personal favour, and private advice, can ever pretend to. If faith with the House of Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain, which will not easily be healed.

That there was a great variance between the late House of Commons and certain persons, whom His Majesty has been advised to make and continue as Ministers, in defiance of the advice of that House, is notorious to the world. That House did not confide in those Ministers; and they withheld their confidence from them for reasons for which posterity will honour and respect the names of those who composed that House of Commons, distinguished for its independence. They could not confide in persons who have shewn a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurances which His Majesty's People, and which all nations ought to have, of what are, and what are not, the real acts of his government.

If it should be seen that his Ministers may continue in their offices, without any signification to them of His Majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to His Majesty's sacred person, can, with impunity, abuse that advantage, and employ His Majesty's name to disavow and counteract the proceedings of his official servants, nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

This we lay before His Majesty with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government; an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorised, but not disavowed use which has been made of His Majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonourable influence on the minds

of

of the members of Parliament, that ever was practised in this kingdom. No attention, even to the exterior decorum, in the practice of corruption, and intimidation employed on Peers, was observed: several Peers were obliged under menaces to retract their declarations, and to recal their proxies.

The Commons have the deepest interest in the purity and integrity of the Peerage. The Peers dispose of all the property in the kingdom, in the last resort; and they dispose of it on their honour and not on their oaths, as all the members of every other tribunal in the kingdom must do; though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be made to Peers of such a nature as may give room to call in question, much less to attaint, our sole security for all that we possess. This corrupt proceeding appeared to the House of Commons, who are the natural guardians of the purity of Parliament, and of the purity of every branch of judicature, a most reprehensible and dangerous practice, tending to shake the very foundation of the authority of the House of Peers; and they branded it as such by their resolution.

The House had not sufficient evidence to enable them legally to punish this practice, but they had enough to caution them against all confidence in the authors and abettors of it. They performed their duty in humbly advising His Majesty against the employment of such Ministers; but His Majesty was advised to keep those Ministers, and to dissolve that Parliament. The House, aware of the importance and urgency of its duty with regard to the British interests in India, which were and are in the utmost disorder, and in the utmost peril, most humbly requested His Majesty not to dissolve the Parliament during the course of their very critical proceedings on that subject. His Majesty's gracious condescension to that request was conveyed in the Royal faith, pledged to an House of Parliament, and solemnly delivered from the Throne. It was but a very few days after a Committee had been, with the consent and concurrence of the Chancellor of the Exchequer, appointed for an inquiry into certain accounts delivered to the House by the Court of Directors, and then actually engaged in that inquiry, that the Ministers, regardless of the assurance given from the Crown to an House of Commons, did dissolve that Parliament. We most humbly submit to His Majesty's consideration, the consequences of this their breach of public faith.

Whilst

Whilst the members of the House of Commons, under that security, were engaged in His Majesty's and the national business, endeavours were industriously used to calumniate those whom it was found impracticable to corrupt. The reputation of the members, and the reputation of the House itself, was undermined in every part of the kingdom.

In the speech from the Throne relative to India, we are cautioned by the Ministers, "not to lose sight of the effect any "measure may have on the Constitution of our country." We are apprehensive that a calumnious report spread abroad of an attack upon His Majesty's prerogative by the late House of Commons, may have made an impression upon his Royal mind, and have given occasion to this unusual admonition to the present. This attack is charged to have been made in the late Parliament, by a bill which passed the House of Commons in the last session of that Parliament, for the regulation of the affairs, for the preservation of the commerce, and for the amendment of the Government of this nation, in the East Indies.

That His Majesty and His People may have an opportunity of entering into the ground of this injurious charge, we beg leave humbly to acquaint His Majesty, that, far from having made any infringement whatsoever on any part of His Royal prerogative, that bill did, for a limited time, give to His Majesty certain powers never before possessed by the Crown; and for this his present Ministers (who, rather than fall short in the number of their calumnies, employ some that are contradictory) have slandered this House, as aiming at the extension of an unconstitutional influence in His Majesty's Crown. This pretended attempt to increase the influence of the Crown, they were weak enough to endeavour to persuade His Majesty's People was amongst the causes which excited His Majesty's resentment against his late Ministers.

Farther, to remove the impressions of this calumny concerning an attempt in the House of Commons against his prerogative, it is proper to inform His Majesty, that the territorial possessions in the East Indies never have been declared, by any public judgement, act, or instrument, or any resolution of Parliament whatsoever, to be the subject matter of His Majesty's prerogative; nor have they ever been understood as belonging to his ordinary Administration, or to be annexed or united to his Crown; but that they are acquisitions of a new and peculiar description, unknown to the ancient executive Constitution of this country.

From

From time to time, therefore, Parliament provided for their government according to its discretion, and to its opinion of what was required by the public necessities. We do not know that His Majesty was entitled, by prerogative, to exercise any authority whatsoever in the Company's affairs, or that, in effect, such authority ever has been exercised. His Majesty's patronage was not taken away by that bill; because it is notorious that His Majesty never originally had the appointment of a single officer, civil or military, in the Company's establishment in India; nor has the least degree of patronage ever been acquired to the Crown in any other manner or measure, than as the power was thought expedient to be granted by act of Parliament; that is, by the very same authority by which the offices were disposed of and regulated in the bill, which His Majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the Crown.

Before the year 1773, the whole Administration of India, and the whole patronage to office there, was in the hands of the East-India Company. The East-India Company is not a branch of His Majesty's prerogative Administration, nor does that body exercise any species of authority under it, nor indeed from any British title, that does not derive all its legal validity from acts of Parliament.

When a claim was asserted to the India territorial possessions in the occupation of the Company, these possessions were not claimed as parcel of His Majesty's patrimonial estate, or as a fruit of the ancient inheritance of his Crown. They were claimed for the Public. And when agreements were made with the East-India Company concerning any composition for the holding, or any participation of the profits of those territories, the agreement was made with the Public, and the preambles of the several acts have uniformly so stated it. These agreements were not made (even nominally) with His Majesty, but with Parliament; and the bills making and establishing such agreements always originated in this House, which appropriated the money to await the disposition of Parliament, without the ceremony of previous consent from the Crown even so much as suggested by any of his Ministers; which previous consent is an observance of decorum, not indeed of strict right, but generally paid when a new appropriation takes place in any part of His Majesty's prerogative revenues.

In

In pursuance of a right thus uniformly recognised, and uniformly acted on, when Parliament undertook the reformation of the East-India Company in 1773, a commission was appointed as the commission in the late bill was appointed; and it was made to continue for a term of years, as the commission in the late bill was to continue; all the Commissioners were named in Parliament, as in the late bill they were named. As they received, so they held their offices, wholly independent of the Crown; they held them for a fixed term; they were not removeable by an address of either House, or even of both Houses of Parliament, a precaution observed in the late bill, relative to the Commissioners proposed therein; nor were they bound by the strict rules of proceeding which regulated and restrained the late Commissioners against all possible abuse of a power, which could not fail of being diligently and zealously watched by the Ministers of the Crown, and the Proprietors of the stock, as well as by Parliament. Their proceedings were, in that bill, directed to be of such a nature as easily to subject them to the strictest revision of both, in case of any malversation.

In the year 1780, an act of Parliament again made provision for the Government of those territories for another four years, without any sort of reference to prerogative; nor was the least objection taken at the second, more than at the first of those periods, as if an infringement had been made upon the rights of the Crown; yet His Majesty's Ministers have thought fit to represent the late commission as an entire innovation on the Constitution, and the setting up a new order and estate in the nation, tending to the subversion of the monarchy itself.

If the Government of the East Indies, other than by His Majesty's prerogative, be, in effect, a fourth order in the commonwealth, this order has long existed; because the East-India Company has for many years enjoyed it in the fullest extent, and does at this day enjoy the whole Administration of those provinces, and the patronage to offices throughout that great empire, except as it is controled by act of Parliament.

It was the ill condition, and ill Administration of the Company's affairs, which induced this House (merely as a temporary establishment) to vest the same powers which the Company did before possess, (and no other) for a limited time,

time, and under very strict directions, in proper hands, until they could be restored, or farther provision made concerning them. It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This House, which well knows the parliamentary origin of all the Company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious to itself, that it no more creates a new order in the State, by making occasional Trustees for the direction of the Company, than it originally did in giving a much more permanent trust to the Directors, or to the General Court of that body. The monopoly of the East-India Company was a derogation from the general freedom of trade belonging to His Majesty's People. The powers of government, and of peace and war, are parts of prerogative of the highest order. Of our competence to restrain the rights of all his subjects by act of Parliament, and to vest those high and eminent prerogatives even in a particular company of merchants, there has been no question. We beg leave most humbly to claim as our right, and as a right which this House has always used, to frame such bills, for the regulation of that commerce, and of the territories held by the East-India Company, and every thing relating to them, as our discretion shall seem fit: and we assert and maintain, that therein we follow, and do not innovate on, the Constitution.

That His Majesty's Ministers, misled by their ambition, have endeavoured, if possible, to form a faction in the country against the popular part of the Constitution; and have therefore thought proper to add to their slanderous accusation against a House of Parliament, relative to His Majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to, and to make addresses to them as protectors of their rights, under their several charters, from the designs which they, without any ground, charged the then House of Commons to have formed against charters in general. For this purpose, they have not scrupled to assert, that the exertion of His Majesty's prerogative in the late precipitate change in

his Administration, and the dissolution of the late Parliament, were measures adopted in order to rescue the People and their rights out of the hands of the House of Commons, their representatives.

We trust that His Majesty's subjects are not yet so far deluded as to believe that the charters, or that any other of their local or general privileges, can have a solid security in any place but where that security has always been looked for, and always found, in the House of Commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked. But the late House of Commons, in passing that bill, made no attack upon any powers or privileges, except such as an House of Commons has frequently attacked, and will attack (and they trust, in the end, with their wonted success) that is, upon those which are corruptly and oppressively administered; and this House do faithfully assure His Majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the People, and to the impoverishment and desolation of the countries subject to it.

The propagators of the calumnies against that House of Parliament have been indefatigable in exaggerating the supposed injury done to the East-India Company by the suspension of the authorities which they have, in every instance, abused; as if power had been wrested, by wrong and violence, from just and prudent hands; but they have, with equal care, concealed the weighty grounds and reasons on which that House had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interests of the real and honest Proprietors of their stock, as well as that great national, commercial concern, from imminent ruin.

The Ministers aforesaid have also caused it to be reported, that the House of Commons have confiscated the property of the East-India Company. It is the reverse of truth. The whole management was a trust for the Proprietors, under their own inspection (and it was so provided for in the bill) and under the inspection of Parliament. That bill, so far from confiscating the Company's property, was the only one which, for several years past, did not, in some

shape

ſhape or other, affect their property, or reſtrain them in the diſpoſition of it.

It is proper that His Majeſty and all his People ſhould be informed, that the Houſe of Commons have proceeded, with regard to the Eaſt-India Company, with a degree of care, circumſpection, and deliberation, which has not been equalled in the hiſtory of parliamentary proceedings. For ſixteen years the ſtate and condition of that body has never been wholly out of their view: in the year 1767, the Houſe took thoſe objects into conſideration, in a Committee of the whole Houſe; the buſineſs was purſued in the following year: in the year 1772, two Committees were appointed for the ſame purpoſe, which examined into their affairs with much diligence, and made very ample Reports. In the year 1773, the proceedings were carried to an act of Parliament, which proved ineffectual to its purpoſe; the oppreſſions and abuſes in India having ſince rather increaſed than diminiſhed, on account of the greatneſs of the temptations and convenience of the opportunities, which got the better of the legiſlative proviſions calculated againſt ill practices, then in their beginnings: inſomuch that, in 1781, two Committees were again inſtituted, who have made ſeventeen Reports. It was upon the moſt minute, exact, and laborious collection and diſcuſſion of facts, that the late Houſe of Commons proceeded in the reform which they attempted in the Adminiſtration of India, but which has been fruſtrated by ways and means the moſt diſhonourable to His Majeſty's government, and the moſt pernicious to the Conſtitution of this kingdom. His Majeſty was ſo ſenſible of the diſorders in the Company's adminiſtration, that the conſideration of that ſubject was no leſs than ſix times recommended to this Houſe in ſpeeches from the Throne.

The reſult of the parliamentary enquiries has been, that the Eaſt-India Company was found totally corrupted, and totally perverted from the purpoſes of its inſtitution, whether political or commercial; that the powers of war and peace given by the charter had been abuſed, by kindling hoſtilities in every quarter for the purpoſes of rapine; that almoſt all the treaties of peace they have made, have only given cauſe to ſo many breaches of public faith; that countries, once the moſt flouriſhing, are reduced to a ſtate of indigence, decay, and depopulation, to the diminution of our ſtrength, and to the infinite diſhonour of our national character; that the laws of this kingdom are notoriouſly, and

almoſt in every inſtance, deſpiſed; that the ſervants of the Company, by the purchaſe of qualifications to vote in the General Court, and, at length, by getting the Company itſelf deeply in their debt, have obtained the entire and abſolute maſtery in the body, by which they ought to have been reduced and coerced: thus their malverſations in office are ſupported inſtead of being checked by the Company. The whole of the affairs of that body are reduced to a moſt perilous ſituation; and many millions of innocent and deſerving men who are under the protection of this nation, and who ought to be protected by it, are oppreſſed by a moſt deſpotic and rapacious tyranny. The Company and their ſervants having ſtrengthened themſelves by their confederacy, have ſet at defiance the authority and admonitions of this Houſe employed to reform them; and when this Houſe had ſelected certain principal delinquents, whom they declared it the duty of the Committee to recal, the Company held out its legal privileges againſt all reformation; poſitively refuſed to recal them; and ſupported thoſe who had fallen under the juſt cenſure of this Houſe, with new and ſtronger marks of countenance and approbation.

The late Houſe diſcovering the reverſed ſituation of the Company, by which the nominal ſervants are really the maſters, and the offenders are become their own judges, thought fit to examine into the ſtate of their commerce; and they have alſo diſcovered that their commercial affairs are in the greateſt diſorder; that their debts have accumulated beyond any preſent or obvious future means of payment, at leaſt under the actual adminiſtration of their affairs; that this condition of the Eaſt-India Company has begun to affect the ſinking fund itſelf, on which the public credit of the kingdom reſts, a million and upwards being due to the cuſtoms, which that Houſe of Commons, whoſe intentions towards the Company have been ſo groſsly miſrepreſented, were indulgent enough to reſpite. And thus, inſtead of confiſcating their property, the Company received, without intereſt, (which in ſuch a caſe had been before charged) the uſe of a large ſum of the public money. The revenues are under the peculiar care of this Houſe, not only as the revenues originate from us, but as, on every failure of the funds ſet apart for ſupport of the national credit, or to provide for the national ſtrength and ſafety, the taſk of ſupplying every deficiency falls upon His Majeſty's faithful Commons, this Houſe muſt, in effect, tax the

the people. The Houſe therefore, at every moment, incurs the hazard of becoming obnoxious to its conſtituents.

The enemies of the late Houſe of Commons reſolved, if poſſible, to bring on that event. They therefore endeavoured to miſrepreſent the provident means adopted by the Houſe of Commons for keeping off this invidious neceſſity, as an attack on the rights of the Eaſt-India Company; for they well knew, that on the one hand, if, for want of proper regulation and relief, the Company ſhould become inſolvent, or even ſtop payment, the national credit and commerce would ſuſtain a heavy blow; and that calamity would be juſtly imputed to Parliament, which after ſuch long enquiries, and ſuch frequent admonitions from His Majeſty, had neglected ſo eſſential and ſo urgent an article of their duty: on the other hand, they knew, that, wholly corrupted as the Company is, nothing effectual could be done to preſerve that intereſt from ruin, without taking for a time the national objects of their truſt out of their hands; and then a cry would be induſtriouſly raiſed againſt the Houſe of Commons, as depriving Britiſh ſubjects of their legal privileges. The reſtraint being plain and ſimple, muſt be eaſily underſtood by thoſe who would be brought with great difficulty, to comprehend the intricate detail of matters of fact, which rendered this ſuſpenſion of the adminiſtration of India abſolutely neceſſary on motives of juſtice, of policy, of public honour and public ſafety.

The Houſe of Commons had not been able to deviſe a method, by which the redreſs of grievances could be effected through the authors of thoſe grievances; nor could they imagine how corruptions could be purified by the corruptors and the corrupted; nor do we now conceive, how any reformation can proceed from the known abettors and ſupporters of the perſons who have been guilty of the miſdemeanors Parliament has reprobated, and who for their own ill purpoſes have given countenance to a falſe and deluſive ſtate of the Company's affairs, fabricated to miſlead Parliament, and to impoſe upon the nation.

Your Commons feel, with a juſt reſentment, the inadequate eſtimate which your Miniſters have formed of the importance of this great concern. They call on us to act upon the principles of thoſe who have not inquired into the ſubject, and to condemn thoſe who, with the moſt laudable diligence, have examined and ſcrutinized every part of it. The deliberations of Parliament have been broken: the ſeaſon of the year is unfavourable; many of us are new members, who muſt be wholly unacquainted with the ſubject, which lies remote from the ordinary courſe of general information.

We

We are cautioned againſt an infringement of the Conſtitution; and it is impoſſible to know, what the ſecret adviſers of the Crown, who have driven out the late Miniſters for their conduct in Parliament, and have diſſolved the late Parliament for a pretended attack upon prerogative, will conſider as ſuch an infringement. We are not furniſhed with a rule, the obſervance of which can make us ſafe from the reſentment of the Crown, even by the implicit obedience to the dictates of the Miniſters who have adviſed that Speech: we know not how ſoon thoſe Miniſters may be diſavowed; and how ſoon the members of this Houſe, for our very agreement with them, may be conſidered as objects of His Majeſty's diſpleaſure. Until by His Majeſty's goodneſs and wiſdom the late example is compleately done away, we are not free.

We are well aware, in providing for the affairs of the Eaſt, what an adult ſtrength of abuſe, and of wealth and influence growing out of that abuſe, His Majeſty's Commons had in the laſt Parliament, and we ſtill have, to ſtruggle with. We are ſenſible that the influence of that wealth, in a much larger degree and meaſure than at any former period, may have penetrated into the very quarter from whence alone any real reformation can be expected.

If, therefore, in the arduous affairs recommended to us, our proceedings ſhould be ill adapted, feeble and ineffectual; if no delinquency ſhould be prevented, and no delinquent ſhould be called to account; if every perſon ſhould be careſſed, promoted, and raiſed in power, in proportion to the enormity of his offences; if no relief ſhould be given to any of the natives unjuſtly diſpoſſeſſed of their rights, juriſdictions, and properties, if no cruel and unjuſt exactions ſhall be forborne; if the ſource of no peculation or oppreſſive gain ſhould be cut off; if, by the omiſſion of the opportunities that were in our hands, our Indian empire ſhould fall into ruin irretrievable and, in its fall, cruſh the credit and overwhelm the revenues of this country, we ſtand acquitted to our honour, and to our conſcience, who have reluctantly ſeen the weightieſt intereſts of our country, at times the moſt critical to its dignity and ſafety, rendered the ſport of the inconſiderate and unmeaſured ambition of individuals, and by that means the wiſdom of His Majeſty's Government degraded in the public eſtimation, and the policy and character of this renowned nation rendered contemptible in the eyes of all Europe.

It paſſed in the negative.

June 16.

The queſtion for the ſecond reading of the bill for the relief of inſolvent debtors was put.

Mr. *Powlett* oppoſed it: he ſaid that nothing could be more injurious to trade and to public credit than acts of inſolvency; and therefore they ought, in his opinion, to be generally diſcountenanced; he was ready to admit that the Houſe had power to paſs a bill for the relief of inſolvent debtors, but he was as ready to queſtion their right to do it. In laying taxes upon the People, the members taxed themſelves in common with the reſt of the nation; but in releaſing the debts of other perſons, they were giving away what did not belong to themſelves. In ancient times, ſo much attention had been paid to the demand of creditors, that the greateſt families in the kingdom had expoſed their deſcendants to the poſſibility of being reduced to beggary by enacting thoſe laws, by which eſtates were made alienable. If then our anceſtors, ſaid he, were ſo ſelf-denying for the ſake of juſtice, he hoped the preſent Parliament would not be leſs juſt; he truſted, therefore, that a miſtaken humanity would not induce gentlemen to attempt to be generous at the expence of other people. Mr. Powlett.

The queſtion was put, and carried without any farther obſervation; and the bill was accordingly read a ſecond time.

Mr. *Francis* informed the Houſe, that he thought it neceſſary to move for certain papers, that would throw ſome light on the account lately laid before the Houſe by the Directors of the Eaſt-India Company; according to that account he took it for granted, that a definitive treaty of peace with Tippoo Saib, and all the native powers of India, would have taken place by the end of November laſt. He was ſorry now to inform the Houſe, that on the 25th of December laſt no definitive treaty was ſigned; and what was worſe, there was not, at that period, any very flattering proſpect that ſuch an event would ſpeedily take place. That the Houſe might be able to judge of the true ſtate of the Company's affairs with reſpect to peace on the continent of India, he moved that extracts from the laſt diſpatches from the Governor General and Council of Fort William, relative to a definitive treaty of peace, be laid before the Houſe. Mr. Francis.

Major

Maj. Scott. Major *Scott* faid he rofe with pleafure to fecond the motion, as he fhould be glad the papers alluded to were before the Houfe. But he did not think that the difpatches from Bengal only, would enable the Houfe to form a proper judgement; he wifhed the difpatches from Bombay were laid upon the table; he wifhed alfo that the difpatches from Madras were communicated to the Houfe; from thefe, gentlemen would learn that in fome places peace was completely eftablifhed; and that in others every neceffary ftep was taking to reftore the tranquillity of the countries under our dominion; for Lord Macartney had written home word that the troops of Tippoo Saib were evacuating the Carnatic with all poffible expedition.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* faid, he did not at that moment know of any particular objection to the production of the papers moved for by the honourable gentleman; but it ftruck him that poffibly they might contain circumftances, that would render it highly improper to call for, or produce them. Gentlemen muft be aware that there was a poffibility that, in fo delicate and nice a fubject as a negociation for a general definitive treaty, there might be connected with it fome particulars that it might be rafh and imprudent to publifh to the world: he therefore requefted the honourable member would not prefs his motion for the prefent; a delay of a few days could not be productive of any bad confequence; and during that time, he would examine the difpatches; and if he found nothing in them of too delicate a nature to be made public, he would give no oppofition to the motion when it fhould be made again. There was another reafon for poftponing the motion for a little time: the very account on which the difpatches called for were to throw light, had been referred to a Committee, which was vefted with power to fend for any papers whatfoever that fhould be deemed neceffary to the inveftigation of the account; poffibly this Committee might have examined thofe very difpatches called for by the honourable member, and put the fubftance of them into the body of the Report, which he underftood would be ready in a day or two to be laid before the Houfe.

Mr. Francis. Mr. *Francis* did not imagine there could be any circumftance connected with the negociation for a definitive treaty, that would render the production of the difpatches in any wife dangerous to the Public; but if there fhould be any fuch circumftance, he did not defire that they fhould be laid

laid before the House. He recommended it to gentlemen to turn their thoughts very seriously to the investigation of the Company's accounts; for connected as the interest of the Company was with that of the Public, the finances of the one ought to be examined into with as much care as those of the other; and he was sorry to have it in his power to say, that the account laid before the House by the Court of Directors, afforded matter for the most serious enquiry. The estimate for the military establishment of the present year in India, amounted to 56 lacks of rupees more than the estimate for the year 1777. *At the conclusion of the last war, there were in the treasury of Bengal, 120 lacks of rupees: this made a difference in the finances of the Company of almost 2,000,000l. most of which was a burden that will continue annually in future; and this he maintained to be such an increase of expence, as could not be supported even by the credit of England, much less by the resources of the East-India Company. From these observations, gentlemen, he hoped, would see the necessity of making a most serious enquiry into the state of the Company's finances.

Major *Scott* observed, that if the remarks of the honourable member were suffered to pass unanswered or unexplained, they might produce very disagreeable consequences to the owners of East-India stock, which, through those remarks, might possibly fall five per cent. he begged leave therefore, to say a word in explanation. The estimate for the military establishment in India for the present year, had been made out before it was known at Calcutta that peace had been concluded between the belligerent powers in Europe; and therefore it must be considered a war and not a peace estimate; but it did not follow from that, that a war establishment would be kept up; on the contrary, he could inform the House, that immediately on the arrival of the news from Europe that peace was concluded, a reduction of one-fourth had taken place in every battalion of sepoys; so that each battalion, which, during the war, consisted of 1000 sepoys, rank and file, was immediately reduced to 750; and he understood that as soon as the different detachments should have returned to Bengal, it was intended that a second reduction should take place, so that the Company would not incur the expence of 56 lacks of rupees mentioned by the honourable member.

Maj. Scott.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, that from what had dropped from the honourable member who spoke last, it appeared very clearly that the mere production of the dispatches, unqualified by any explanation, might be attended with very disagreeable consequences: he therefore again begged that the honourable member would not press his motion on this day; he had heard enough already to convince him that the motion was improper just at the present moment; he, however assured the honourable member, that if he would consent to withdraw it for the present, he would support it on a future day, if in the first place it should appear necessary, after the Report to which he had already alluded, should have been laid upon the table; and if in the next place he himself should, on the minute perusal of the dispatches, be of opinion, that they might be produced with safety to the public.

Mr. Henry Dundas. Mr. *Henry Dundas* joined in the request that the honourable member would withdraw his motion for the present: he assured him he did not wish for a long delay; two or three days was all that he looked for, in which time the Committee, of which he had the honour to be Chairman, would lay before the House a report of their proceedings and inquiry relative to the state presented to the House of the Company's affairs, by the Court of Directors; and if after the honourable gentleman should have perused that report, he should still be of opinion that the late dispatches should be laid upon the table, he would give no opposition to the motion for producing them.

Mr. Burke. Mr. *Burke* said he was very far from being satisfied with the argument used by the right honourable gentleman (Mr. Pitt) to persuade the honourable member to withdraw his motion. There certainly was a possibility that there might be some passages in the dispatches not fit for the public eye; but if on a bare possibility of dangerous consequences, information should be withheld from the House on a subject of the most serious and important nature, there was absolutely an end of all enquiry; for certainly there were few papers that could be called for, from which it was not possible that some mischief might arise. He conjured gentlemen, by all that they owed to their constituents, and to the Public in general, to turn their thoughts most seriously to the state of the finances of India, and to call for every document that might tend to enable them to form a just judgement on the subject. He implored them to recol-

lect the depressed state of the country; and not to forget that next year at artheſt, they would be obliged to lay burdens on their conſtituents to pay 5,000,000l. to preſerve the Eaſt-India Company from bankruptcy! He hoped that when ſo important a buſineſs was to be done, they would not proceed without having before them every paper that might ſerve to throw light upon ſo conſequential and momentous a queſtion.

Mr. *Dempſter* was of opinion, that the honourable member would do well to withdraw the motion; he was a member of the Committee whoſe Report the honourable member had been requeſted to wait for; and he believed he might venture to go ſo far as to aſſure him, that when he ſhould have peruſed that Report, the honourable member would no longer think it neceſſary to preſs his motion. He ſaid, that now he was up, he truſted the Houſe would forgive him for appriſing them, that he meant on Wedneſday next to ſubmit a motion to their better judgements. His object was the finance of the kingdom; this had long ſtruck him as ſuſceptible of great and univerſal improvement. It would, to be ſure, be very imperfectly exhibited by him; but, nevertheleſs, the hints he might ſuggeſt, and the facts in his poſſeſſion, he did not doubt, might be turned to account by thoſe whoſe abilities were more adequate to the taſk. The commerce, navigation, and manufactures of the country, were under his contemplation, and eſpecially the fiſheries in the north of Scotland, which had been ſo much neglected, he ſhould earneſtly recommend to the attention of Parliament. It was his ſincere opinion, that whatever could by any means contribute to leſſen the public burden of taxes, under which all ranks of people in this country groaned, and were likely ſtill to groan, was an object which well deſerved the attention of the Legiſlature. This was his only motive for meddling with a buſineſs of ſo much conſequence; and he begged that gentlemen would turn their attention to the particulars he had ſpecified, that they might meet the queſtion prepared to give it a full and impartial inveſtigation. Mr. Dempſter.

Mr. *Francis* ſaid, his object in making the motion was merely to obtain what appeared to him to be neceſſary information: if it could be gained in any other way than that which he had propoſed, he would be equally ſatisfied; and as he found it was the ſenſe of the Houſe that he ſhould Mr. Francis.

wait for the Report, he consented to withdraw the motion for the present.

The order of the day for taking into consideration the report from a Committee on the petition from the felt makers, was read, and Mr. Watson moved "That it be referred to a "Committee of the whole House on Monday next."

Sir Peter Burrel.

Sir *Peter Burrel* said he would certainly oppose a measure that attempted to set up a monopoly to the prejudice of the landed interest; and more particularly at a season of the year when the country gentlemen, whose interests would be affected by it, were either now, or shortly would be, at their seats; he therefore moved in amendment, "That the words "Monday next be left out, and that the words this day three "months be inserted in their stead."

Mr. Watson.

Mr. *Watson* observed, that if the amendment should be carried, the business would, of course, be put off to another session, to the very great injury of the hat manufactory of this country. From the petition of the manufacturers, it appeared that they had actually in employ a great many hands, and that they had foreign orders sufficient to give them constant employment, if the Legislature would consent to put rabbits' hair or wool on the same footing with sheep's wool in this respect, that the former should not be exported unmanufactured, no more than the latter: if the exportation of rabbits' wool was restrained, then they would be able to secure to this country the monopoly of the felt manufactory; for England produced the finest and best rabbits' wool, and in the greatest quantity, of any country in Europe: it was natural, therefore, to secure to England the manufacturing of its own productions: he could tell gentlemen, that the Americans were, at this moment, straining every nerve to establish manufactures, and particularly that of felts; now if they could get the raw materials from this country, the low price of labour in America would enable them to undersel us in every market, and take out of our hands a very extensive, and very beneficial branch of trade. As to the idea of the land owners of England being injured by the measure called for, it appeared to him to the last degree absurd; for the landed and commercial interests were in truth one and the same; and as one could not suffer without sinking the other, so if one of them prospered, the other must have its share in the prosperity.

Sir Edward Astley.

Sir *Edward Astley* was of opinion, that those gentlemen, who had large warrens on their estates, would be greatly injured

jured if the exportation of rabbits' wool were prohibited: in that case, the warreners in Norfolk would be reduced to the necessity of converting their warrens into arable lands.

Lord *North* said the question before the House was of a very serious nature, and ought to be considered with great attention; he therefore could not agree to the original motion, which would bring the business forward with great precipitation, before the proprietors of warrens could have time to consult with one another on the subject. On the other hand, he wished his honourable friend would not insist upon his amendment, because it would prevent the House from going into the consideration of it this session, however necessary the discussion might afterwards appear: he suggested therefore the expedient of putting it off till Monday fortnight. Ld. North.

The Earl of *Surry* had no objection to the day mentioned by the noble Lord, though he had much rather it were an earlier day. He said he did not mean to go into the merits of the business now, he only requested the honourable member would not assume what was called for by the felt makers, as amounting to a monopoly to the prejudice of the landed interest. It certainly was, not a monopoly in any sense but one, and that was in securing to England the exclusive manufacture of her own productions; a monopoly which he should always approve, and which could never be injurious to the landed interest, which must rise and fall with the commercial interest. The Earl of Surrey.

Sir *John Thorold* disapproved of the idea of prohibiting the exportation of rabbits' wool, which would leave the owners of warrens at the mercy of the felt manufacturers; and therefore he would not consent to the wished-for prohibition, unless he should be convinced that there was no other way to procure work and subsistence for the hands that had been bred to that business. Sir John Thorold.

Lord *Beauchamp* wished to set the honourable Baronet right: there was neither a scarcity of hands, or want of employment in that manufacture; on the contrary it appeared that there were orders from abroad, to a very great extent for hats, and sufficient to provide constant employment for a very great number of hands. The question therefore was, whether by the exportation of the raw materials, we would consent to put it in the power of foreign countries to take out of our hands that branch of manufacture, which we at present in a great measure monopolised Lord Beauchamp.

Mr.

Mr. Huffey. Mr. *Huffey* laughed at the ridiculous diftinction between landed and commercial interefts; to him they appeared but one. An honourable baronet had faid, that the owners of warrens in Norfolk would, if the prohibition fhould be agreed to, convert their coney grounds into arable lands; fo they might, and without any detriment to the Public, as the nation would have in corn what it fhould lofe in rabbits' wool.

Sir Peter Burrel. Sir *Peter Burrel* confented to withdraw his amendments, on condition that Monday fortnight fhould be agreed upon to be the day for taking the report into confideration; an earlier day would not do, as there muft be time for the owners of warrens in Yorkfhire, Lincolnfhire, Norfolk, and elfewhere, to confult upon the bufinefs, and prepare for oppofing the prohibition by counfel, if they fhould think it neceffary to oppofe it. The compromife was accepted; and both fides of the Houfe agreeing that Monday fortnight fhould be the day, the motion was worded accordingly and carried.

The order of the day for going into a parliamentary reform being called for,

Mr. Milne. Mr. *Milne* addreffed himfelf to Mr. Alderman Sawbridge, and as a friend to the reform, intreated the honourable gentleman to poftpone it to another feffion—He trufted the honourable gentleman would fee the propriety of complying with fuch a requeft, and that the reafons for deferring it would be at once obvious to him, to the Houfe, and to the Public. The only inducement which he would urge on the prefent occafion was, that the Minifter on that condition would certainly adopt fomething fpecific and decifive as early as poffible next feffion.

Mr. Sawbridge. Mr. *Sawbridge* thought the propofition rather extraordinary. He did not however wifh to do any thing which might have the appearance of rafhnefs and precipitancy—He would therefore fufpend his proceedings at leaft till he heard from the Minifter's own mouth what his intentions were; he fhould then put the Houfe out of doubt about the mode he thought, all things confidered, the moft eligible for him to adopt.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* immediately rofe and faid, that his fituation was rather delicate. The preffure of bufinefs, which in the prefent circumftances it was natural for him to feel, did not leave his mind at liberty to enter on the difquifition and arrangement of a fubject fo peculiarly complicated and extenfive as an equal reprefentation of the People. He trufted, however, it was a meafure which he fhould one day fee realifed

lised. And it was no great matter to him how it was carried, provided it did but succeed. In this no man within or without doors would more sincerely rejoice than he should do. The House and the People, he had no doubt, would give him credit for his sincerity, when he declared that he had it very much at heart. And he pledged himself in the strongest language to bring it forward the very first opportunity the next session. It was greatly, in his opinion, out of season just at this juncture. He could have no objection, should the honourable gentelman think otherwise, and persist in proposing it now; but he was surely entitled to the same right of judging for himself; and he could assure the House, nothing but a suspicion of risquing the question, which he did presume might be urged with a greater probability of success at another time, should have prevented his bringing it forward now. A regard, however, to inclination, to principle, to consistence, and to duty, would not suffer him to let slip any opportunity in which he could foresee a probability of carrying the measure. These were the only things which operated on his mind against the expediency of attempting on the present, what was much more likely to succeed on some future occasion.

Mr. *Powney* said, that he was not very fond of speaking, and for that reason generally left it to those who liked it better. But what was the meaning of thus, day after day, putting off the motion of the honourable gentleman? For his part, he had frequently come for no other purpose but that he might have the pleasure of giving it an hearty negative. He knew not how he might feel on the present occasion, but wished the proposition to be produced, and he should then hear much more substantial reasons than he had yet done, if he did not regard it as he always had. Mr. Powney

Mr. *Wilberforce* trusted his attachment to the object of the hon. gentleman's motion would not be doubted. But friend as he was to this great and desirable reformation, he could not see any reasonable objection to putting it off till the period in which the Minister stood pledged to bring it on. The honourable gentleman he hoped would consider the matter maturely, and avoid risquing a question of such importance by a permature procedure. Mr. Wilberforce.

Mr. *Fox* considered the whole of this manœuvring as equally curious and unaccountable. A gentleman proposes, says he, moving the House on a question in which the People of this country seem deeply, seriously, and universally interested. He very candidly and fairly, however, as being truly in earnest about its success, wishes the Minister to take Mr. Fox.

it

it out of his hands. the Minifter owns the handfome offer made him of doing what muft be ultimately acceptable to a great and refpectable majority of his countrymen; but he hefitates and procraftinates on various pretexts, as it would feem, to fave time. His honourable friend, however, fteady to his purpofe as he was, from a generous inclination to accommodate the matter to the convenience of all fides of the Houfe, is prevailed on to give way at leaft from one day to another; and when that day comes, a very ferious, but he would fay an aukward, propofal is made him, that he would defer the bufinefs for the prefent feffion. All the while, and notwithftanding much ferious importunity to delay the bufinefs, not fo much as the fhadow of a reafon is urged why his honourable friend fhould not proceed: now it was affigned with much folemnity that it was not a proper time. It was aftonifhing that not one of the gentlemen who had made this remark had attempted to juftfy it by any reafoning whatever. For his part he could conceive no reafon, though fome had affumed it as not lefs inconteftible than an axiom in geometry. But fo far was he from feeling its force on his mind, that he was fatisfied no time in the world was fo fit. The Parliament was a new one, and by no means hackneyed in the habits of treating conftitutional queftions with levity or neglect. Gentlemen were juft from the country, and in fome manner infpired with the fentiments of their conftituents. Their profeffions in the profpect of fecuring their feats were too recent to be forgotten. They would naturally be proud to fhew the People of England how much they had their wifhes at heart, with what prompitude they were ready to act in their fervice, and how well they were qualified to manage their concerns. Where then was the impropriety? What was the hindrance? He owned much public bufinefs there was ftill on the Minifter's hands. But what bufinefs could be of more confequence than that of a reform in the radical conftitution of this Houfe.

This he thought he might urge with the greater earneftnefs, as it was not improbable but the Houfe might take up more time in debating the adjournment than in determining the queftion. It was, in his mind, a very ferious and critical matter to trifle, as had hitherto been too much the cafe, with the feelings and wifhes of the great body of the people. He thought the prefent queftion would operate on them as a teft by which they would fee who were their real, in contradiftinction to apparent friends. And he trufted thofe who had it in their power would gladly embrace the opportunity of ful-

filling

filling engagements for which they stood so deeply and repeatedly pledged to the Public — But now a new pretence was brought forward, and though no reason could be assigned for the unseasonableness of the motion, it would be seasonable next session, because the Minister would then undertake it. But why was not this resolution avowed from the beginning? Why was it never avowed till now? And why on this particular occasion? Will the Minister, said he, be more able to command a majority than he appears to be at present? Will his friends be more numerous or more confident? It did not appear to him they ever could — He trusted the public at large would see through this shuffling procrastinating spirit. He did not pretend to doubt the honourable gentleman's sincerity in the cause, but he did suspect that he had reasons for the present shyness, which however nameless, had their force; and he, for his own part, greatly doubted, whether any reform of this, or any other description, could reasonably be expected from a Ministry who stood on ground so hostile to the Constitution, and who had yet given no very striking proofs of their predilection for any thing connected with the representation of the People. He would, however, assure the right honourable gentleman, the spirit was now gone forth, which all his influence and connections would find very difficult to subdue, perhaps not a little dangerous to oppose. The People of England, he asserted, were not easily so used; but the instant they became unanimous and in earnest, it was in vain to strive against them — He trusted now was the time to realise an idea they had so long cherished, and to which they directed their attention and expectations. To be sure, his honourable friend would be guided by his own judgement; but he was mistaken if such a treatment as this would not stimulate him to come forward, and without farther negociation, do his duty, and acquit himself of his promise to this House, to his constituents, and to the Public.

Mr. *Martin* could have wished the motion had been deferred until the Minister had time to undertake it — This, however he only wished, on condition that a motion much more adequate to the object than what he had last proposed, should be undertaken. He did not expect or desire the right honourable gentleman to be more explicit on this head, and therefore wished the honourable gentleman (Mr. Sawbridge) would go on with his design. Mr. Martin

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* rose again to remind the House, that he had neither said the motion that had been opened by the worthy Alderman, would be the motion he should propose or not; and that, because he was nor prepared to say in what shape it would appear to him most advantageous to bring it forward, desired, therefore, to be understood as not pledged to more than that he would, in some shape or other, bring the subject under discussion early in the next session.

Mr. Sawbridge. The cry was now very loud for Mr. *Sawbridge*, who accordingly rose and observed, that notwithstanding all he had heard, he was convinced in his own mind, that it was his duty to state to the House a motion he had repeatedly announced; and it was one, he said, which did not originate in this House, but with the People at large — They felt the necessity of such a reform, and they demanded it as their right — It was the nature of every human structure to stand in need of frequent repair, otherwise time and accident infallibly destroyed it. He therefore denied that the question before the House went to a reform, as a renovation only was its object; the radical principles were found, and required only to be retouched. He then went at large into the state of the representation in various parts of the country, and asked whether such a system as that which at present prevailed, could be called a fair, or an equitable, or a satisfactory one? His object would consequently be, to have all the light which could be thrown on the subject, collected under the inspection and cognizance of the House, that they might see whether any thing farther ought to be done or not, and then, what the specific remedy which was necessary ought to be — This was his present and professed aim, and he trusted the House would go along with him in realizing it. Without, therefore, troubling them with any long reasoning on a subject so well known, and generally understood, he should have done, with simply moving, "That a Committee be "appointed to enquire into the present state of the repre- "sentation of the Commons of Great Britain in Parlia- "ment."

Mr. Alderman Newnham. Mr. Alderman *Newnham* rose with much satisfaction to second a motion which he sincerely wished might succeed. The People claimed it as their right, and he asked who had the right to deny it to them? The time, he trusted, was come, when that partial representation, which he had always considered as the most glaring defect in the British Constitution, would be removed, and liberty would receive an additional

ditional security from such an extension to the freedom of Parliament.

The honourable Mr. *Grosvenor* owned very freely, that he rose to give the motion his negative, and this he would do on two accounts—He did not like to see it assumed, that the present state of representation was imperfect; this was not a fair mode, in his opinion, of viewing the subject; it was prejudging the case without a trial; this he thought the dignity and honour of the House ought to have prevented—He would, however, give no opinion about it; when any specific motion was presented to the House, then would be the period, in his opinion, for discussing the equality of representation—He was averse in any judicatory, to take any thing for granted, while it was so fully capable of proof—But here a Committee was appointed to enquire into the state of that part of the Constitution which was as it always had been—Nothing human was perfect—This, however, with all its imperfections, had been admired and extolled by all the world, and yet the present motion was to set on foot an enquiry which supposed it full of defects. His other reason against admitting the motion was, that it was not in time, that it would have come with a better grace in the beginning of another session, when gentlemen had more time to spare, and were less impatient to retire from the fatigue of public business. The hon. Mr. Grosvenor.

Sir *Richard Hill* said, with respect and deference to that honourable House, he asserted, that it was an observation of a wiser man than any within those walls (he excepted not the right honourable personage who so ably, so worthily, so impartially, and so unanimously filled the chair) that to every thing there is a season, and a time to every purpose under heaven. Perhaps it might not be amiss, that he should inform some noble Lords and gentlemen, in that august assembly, that the words were the words of Solomon, and that they were taken from an obsolete book, commonly called the Bible. It was, however, much to be feared, that the honourable gentleman, who made the motion, notwithstanding all he had been saying, had not paid due regard to those words of the wisest of men, else he would not have chosen the present time, to manifest his zeal for our reformation: a time when so much public national business called for their immediate attention—But the ruling passion would ever be uppermost, and when a man was tired of every thing else, he could mount his own hobby horse with alacrity. Sir Sir Richard Hill.

Richard declared himself a cordial friend to a parliamentary reform, he meant so far as related to a more equal representation—He voted for it, he had spoken, he added, according to his poor ability in favour of it, and he hoped to give it his support, whenever he saw it brought forward at a proper time and in a proper manner—But he solemnly declared, that he thought the honourable gentleman's injudicious and ill-timed ardour would greatly hurt the cause he meant to defend, insomuch, that if the House came to a division that night, he doubted whether the honourable gentleman's hobby would even carry double, and whenever he (Sir Richard) acted the part of a Don Quixote, he should be sadly disappointed indeed, if he could not get one poor Sancho Pancho, to mount behind him on his Rosinante. He had been considering what could be the honourable gentleman's reasons for bringing on his motion at that time, and the three following had been suggested to him:—

First, the honourable gentleman might think it would give him a little more importance, and indeed when he reflected on the importance of the thing itself, and the many difficulties attending the execution of it, the honourable gentleman could not think he depreciated him, when he affirmed, that all the weight and consequence, all the judgement and abilities of that House collectively, were not more than equal to an undertaking of such prodigious magnitude—Secondly, the honourable gentleman might imagine it would raise his own popularity, and be the means of wiping away from the minds of his constituents, what they might think some little *faux pas* in his late conduct. But, Sir Richard said, he was far from thinking the honourable gentleman would be able to gain their favour by this device, or at all raise his popularity among a respectable body of sensible, judicious, opulent citizens, from whom he was sure, the honourable gentleman had received no instruction to begin his parliamentary career, with an attempt to stop parliamentary business—Thirdly, the honourable gentleman might think, (he did not say he did so think, but there were abundance of cogitations in the human mind) that if his own popularity would be increased by bringing on his motion, that of the Minister would be lessened by rejecting or postponing it—Notwithstanding the honourable gentleman's great politeness and profound humility, in offering the right honourable Chancellor of the Exchequer the preference in the business, he must say, that the

the conduct of the Minister had been so uniformly consistent in favour of a parliamentary reform, that all attempts to injure him on that score must appear poor and futile indeed; and he was persuaded, that if the Minister were now to begin on a business so arduous in itself, and which must necessarily be attended with so many obstructions, that instead of making himself more popular, he would justly rouse the popular indignation against him Would it not be said on all sides, What is to become of loan and taxes? What of public credit? What of commerce? And after all, what of India? Instead of now disputing by whom parliamentary business ought to be done, why did not they proceed to the immediate doing of parliamentary business? Such would be the language both within and without doors were the Minister, at this busy crisis, to bring on any projects for a reform in Parliament; and he was sure the honourable gentleman himself was of opinion, there were many things which might be very fit and proper to be done at one time, which at another he would think extremely inexpedient and *mal a-propos*. To particularize only one instance in familiar life—He had heard that the honourable gentleman was remarkably fond of whist, and that he was so excellent a player that he could correct even Hoyle himself; yet if a few friends were to come to the honourable gentleman's house in the middle of the night, knock up all his family, awaken him out of a sound sleep, and insist upon his immediately getting up and playing a rubber at his favourite game, might he not well answer, "My friends, what are you about? Are you out of your "senses? Whist I love, and will play as many rubbers "as you please to-morrow evening; but sleep is now the "thing that I want, and that my constitution wants also"—Besides, the honourable gentleman might perhaps add, "You have disturbed me in a most pleasing dream, wherein "methought I was in the House of Commons, and methought we were divided upon my motion for a parlia"mentary reform, and methought I had a majority of "more than two hundred." The honourable gentleman might therefore address his friends in the words of Horace:

——Post me occidistis amici,
——Cui sic extorta voluptas,
Et demptus per vim, mentis gratissimus error.

Or

Or nearly in the words of Pope:

" Aſleep, a patriot of diſtinguiſh'd note,
" Awake, reduc'd unto a ſingle vote.

Thus, Sir Richard declared, he had endeavoured to fathom the honourable gentleman's three reaſons for bringing on his motion at that time — They might indeed go deeper, but he confeſſed his line would reach no farther; the honourable gentleman might, if he pleaſed, diſtinguiſh them into good, better, beſt; but he was obliged *malgré lui* to draw them in a different light, and therefore muſt change the honourable gentleman's *bonus, melior, optimus*. unto *malus, pejor, peſſimus*. But though he profeſſed his diſlike of the motion, as being exceedingly ill timed, he muſt again declare, that he heartily approved of the thing moved for, and hoped at ſome proper opportunity to have the honour of laying before the Houſe ſome new thoughts on the ſubject, which he had lately received from a very ſenſible gentleman who was one of his conſtituents, but at preſent he ſhould not mention them, neither ſhould he ſay any thing concerning certain rotten boroughs, out of which ſo many half-ſtarved rats had crept, and at times had well-nigh undermined the foundations of that Houſe — They might, if they pleaſed, call themſelves the repreſentative body of the People, but as he had the honour of obſerving to the Houſe upon a former occaſion, that Houſe exhibited much ſuch a repreſentation of the People, as the Speaker himſelf did of that Houſe, when he was ſtarving in St. Margaret's church on the 30th of January, and ſome of his attendants, perhaps, counting the moments of the preacher's ſermon. But there was an old adage, that friends in diſtreſs make ſorrow the leſs; and the Speaker had at leaſt the comfort of knowing, that a ſtill more dignified perſonage than himſelf, the great and learned repreſentative of the Houſe of Peers, was at the ſame moment undergoing the ſame annual frigid diſcipline, not one hundred miles diſtant from him. Sir Richard begged pardon for this digreſſion, delaring he was perfectly orderly, for he was ſpeaking of equal repreſentation, but the ſubject being rather too delicate to dwell upon, he ſhould immediately come back to his point — It was notorious, that many worthy members of that Houſe had no conſtituents, perhaps only one conſtituent, being themſelves both the conſtituent and the conſtituee; hence thoſe offenſive expreſſions to the ear of independence, " Lord ſuch a one's borough." " Mr. ſuch a one's borough." Well, then, might the ingenious member for Kirkwall, alias the

the hopeful member for Westminster (for he presumed he was full of hopes of success) find out that the voice of the people, both was and was not to be heard in that House. Here what was wrong, and what was wanted, must appear to every man; but how to rectify the wrong, and supply the want, had puzzled, and would puzzle much wiser heads than the honourable gentleman's and his. Those gentlemen who made no scruple of voting away rights and charters, might think there was an easy method of getting rid of as many rotten boroughs as they pleased, but as some such gentlemen represented some such boroughs, he was inclined to think, that when it came to themselves, they would alter their sentiments and perceive a flagrant injustice in their own case, which had no existence where the confiscation of the property of a great respectable company was to be the effect of their aye or no. Men of wit might ridicule the idea of parliamentary reform, by saying, "that a tinker had rather mend a kettle than the constitution, "and a labourer rather make a faggot than make laws," &c. And where was the thing, however excellent, which had not been ridiculed? But as to arguments, he must hear better than any he had yet heard to convince him that a parliamentary reform was not much wanted, and much to be wished. —As to the stale cry of innovation! innovation! it was so very absurd, that it was fit only for the lips of *his Holiness* or old *Mother Goose*. If that plea were to be admitted, good night to every thing but ignorance and barbarism. According to this plea, no one thing that was wrong ought ever to be amended, nay, the longer abuse and error had existed, the longer they ought to exist; and the State or nation which had groaned for centuries under any particular grievance, ought to bear the burden of that grievance as long as the world stood, even injustice might be sanctified by time, and oppression by being oppressed. If this doctrine had always been adhered to, where would have been many of their civil liberties at that day, when they withstood not the imaginary but the real arbitrary ideas of prerogative, which some contended for as the very basis of the Constitution, and which would have made the English diadem as absolute as that of France? Above all, where would have been that religion which came down to them streaming in the blood of protestants, martyrs, and confessors? That religion, which, however despised and ridiculed it might be in this degenerate day of profligacy and dissipation, instead of being ashamed of, they ought to glory in, and to make the rule of all their conduct, both in public and in private life.

life. Overwhelmed by arbitrary power, and ſunk into the dregs of popiſh ſuperſtition, they ſhould now have nothing to conſole themſelves with, but the reflection of having ſteered clear of every attempt towards any reformation, either in church or ſtate, for fear of the danger of innovation. According to that doctrine, the man, who had an unhealthy ſtate of body, ought never to be cured; or if he ſent for the phyſician, the wiſe doctor ſhould ſhake his head, and ſay, "To be ſure you are but in a bad way, but "I ſhall not attempt to adminiſter any relief to you. You "have been ſick ſo long, that ſick by all means you ought "continue." Now he ſuppoſed, nobody would affirm, that there were no diſeaſes in the body politic, as well as in the body natural; and he ſuppoſed alſo that nobody would deny that the great body politic of this kingdom had been for ſeveral years paſt (indeed, ever ſince the adminiſtration of one, whoſe name could never be mentioned but with veneration in that Houſe, he need not ſay he meant the great Earl of Chatham) in an *atrophy*, and during the time that the noble Lord in the blue ribband held the reins, in a galloping conſumption. They had tried bleeding long enough, and bleeding with leeches too: he had no objection to try the alterative in queſtion, when the body was in a fit ſtate to receive it; but he was ſure, for the reaſons already given, that at preſent it was not, and nobody but an empiric or quack, who was totally unſkilled in the knowledge of political chemicals and galenicals, would ſay that it was. If he had talked too long in the medical ſtile, he humbly hoped the Houſe would pardon him, and he was ſure he ſhould meet with the indulgence of a learned Lord, he meant the Lord Rector of Glaſgow (Mr. Burke). Though, alas! all his preſcriptions the other night had no other effect than to procure the eaſy diſmiſſion of his patient, without a ſtruggle, or without a groan, and he was ſure it was to the general ſatisfaction of that honourable aſſembly, that the poor creature went off ſo eaſily and ſo peaceably. He knew it would be contrary to order for him now to ſay any thing of that learned Lord's ſpeech, but as the learned Lord was pleaſed to aſſert, that when a late right honourable Secretary brought in his India bill, he wiſhed for neither power nor emolument to himſelf or friends, but that he acted from nobler motives, and deſpiſed all ſuch trifles; he would juſt take the liberty of obſerving *en paſſant*, that there was an old fable they were all well acquainted with, which ſays, "That

"when

"when Reynard had leaped very high at the grapes and "could not reach them, he ſneaked off and ſaid they were "four."

Now, Sir Richard aſked, after all he had ſaid, on which ſide muſt he give his voice? He certainly ſhould not vote againſt a meaſure which he heartily wiſhed at a proper time to ſee adopted: but as he thought this was by no means ſuch a time, he ſhould do what he ſaid the Speaker would be very glad to join him in, (but, alas! dignity of office debarred him of the privilege) he ſhould leave the honourable combatants to fight it out among themſelves, and ſhould go home and try to get a good night's reſt. The Speaker had the repeated pleaſure and benefit of hearing every ſpeech which had been delivered on the ſubject for ſome years paſt, and therefore muſt have made up his mind on the point. But whether he was for a reform in the repreſentation or duration of Parliament, or whether, with the noble ſpouſe of the late right honourable Secretary, he thought both had better be deferred *ad Caldndas Græcas*, he would anſwer for him, that he thought a reform in the duration of their debates, and, he would ſay, in the duration of their motions too, would be highly praiſe-worthy. And if to theſe he added a reform in their temper whilſt debating, he believed he ſhould be joined by the whole Houſe *nem. con.* As therefore he began with one ſaying of the wiſe man, he ſhould end with another, which was, "An angry man ſtirreth up "ſtrife, and a furious man aboundeth in tranſgreſſion. "But a ſoft anſwer turneth away wrath."

The *Earl of Surrey* declared he ſhould have oppoſed the motion, had it been for a Committee of the whole Houſe, as that would have unavoidably taken up the time of the Houſe, and retarded public buſineſs, but as the motion went merely to the appointment of a ſelect committee, he would give it his vote. The Earl of Surrey.

Mr. *M. A Taylor* took notice of what Mr. Fox had ſaid of the complection of the Houſe, and the probability of Mr. Pitt's being able to carry the motion, if he was ſincere in its favour. Mr. Taylor ſaid, he meant to ſupport the right honourable gentleman on all great national points, from the confidence he had in his integrity, and the high eſtimation in which he held his abilities, but he deſired to be underſtood as a man not determined to vote with him in all caſes, and under all circumſtances, whether right or wrong, whether his judgement accorded with the meaſures under conſidera- Mr. M. A. Taylor.

tion or not. As far as his experience went, he declared, the People were not all bent on a parliamentary reform. He had ſtood candidate for two different places, and he heard nothing of a parliamentary reform in either. He ſat for one borough of courſe, and his conſtituents had not inſtructed him to ſupport any meaſure directed to ſuch an object as the preſent motion. He ſaid, he was not prepared to give a vote upon the preſent queſtion; having ſat ſo ſhort a time in Parliament, and having no thoughts of a ſeat in that Houſe till the diſſolution of the laſt Parliament, he had not formed a judgement upon the ſubject, and therefore wanted more time to make up his mind before he could decide what was a fit meaſure for the Houſe to adopt.

Lord North. Lord *North* began with declaring, that though he certainly wiſhed the motion to be put off, he ſhould betray his ſentiments, if he ſaid he wiſhed it to come on another day; he wiſhed it never to come on, becauſe he was convinced it never could be adopted, without a deep wound to the Conſtitution. The worthy Alderman who made the motion, had ſtated no ground to prove the neceſſity of any alteration in the ſtate of the repreſentation in Parliament, and without very ſtrong ground for ſuch neceſſity was ſhewn, he ſhould ever contend that it was unwiſe, raſh, and improper to make ſo dangerous an experiment. From this remark his Lordſhip proceeded to enquire what could be alledged as the proofs of any neceſſity for what was called, but, in his mind, very falſely called, a parliamentary reform. Was it becauſe the Crown was ſuſpected to have had too much influence in the laſt Parliament that it had been diſſolved, and that it was neceſſary ſo early in the preſent to ſet about an alteration in the Conſtitution? Was any gentleman afraid that the Crown would have too much influence in this Parliament? What poſſible reaſon could be given to ſhew that an alteration moſt ſeriouſly affecting that Conſtitution under which the country had derived ſo many bleſſings, for ſo many years, was neceſſary? Did freedom depend upon every individual ſubject being repreſented in that Houſe? Certainly not; for that Houſe, conſtituted as it was, repreſented the whole kingdom. Freedom depended on a very different circumſtance. He was free, becauſe he lived in a country governed by equal laws. Where the higheſt and the loweſt were governed by the ſame laws, where there was no diſtinction of perſons, there freedom might be ſaid to exiſt as purely and as perfectly as in the nature of things it could exiſt. But it was ſaid Helſtone ſent members, Old Sarum ſends members, and

yet

yet Manchester sends no members, nor Halifax, nor Leeds, nor Birmingham. What then? Did Manchester desire to send members? Did Leeds or Birmingham desire it? Would the sending members be of any advantage to their towns? Did any gentleman imagine, that a petition from Manchester, or Halifax, or Leeds, or Birmingham, would be less attended to in that House, than a petition from Helstone, which did send members, or from Old Sarum — though indeed Old Sarum could not now petition the House of Commons, because Old Sarum was in the House of Lords. But experience proved that petitions from Manchester, from Halifax, from Leeds, and from Birmingham, always received as much attention as petitions from boroughs that were represented, and undoubtedly the same attention petitions from Manchester, Halifax, Leeds, and Birmingham, always would receive, whether those towns were represented or not. What proof had the House, that a reform in Parliament, as it was called, would afford satisfaction to the People? When the subject was under discussion some few years since, he recollected an honourable gentleman desired that the petition from Birmingham might be read, but there was no such petition on the table. In like manner he might now desire the clerk to read the petitions from Manchester, Halifax, and Leeds. What authentic information then had that House that the People wished for any alteration? He knew of none; and even if they had expressly petitioned for an alteration, and that in such a way as to make it clear that it was their decided opinion, he should have maintained that no alteration ought to have been made, because he held it to be indubitable, that when the People wished for an improper thing, it was the duty of that House, from a sense of what it owed to its own honour, and to the general welfare of the country, to refuse complying with improper wishes, and improper requisitions. And here he would not scruple to say, that those gentlemen who held, that the instructions of constituents ought, on all occasions, to be complied with, did not know the constitution of their country. To surrender their own judgements; to abandon their own opinions, and to act as their constituents thought proper to instruct them, right or wrong, was to act unconstitutionally. Let them recollect who and what they were. They were not sent there, like the States General, to represent a particular province or district, and to take care of the particular interests of that particular province; they were sent there as trustees, to act for the benefit and advantage of the whole kingdom. He was not speaking as the ambassador from Banbury, come to meet

the deputy from Old Sarum, or the plenipotentiary from Helstone. The moment a gentleman took his seat for Banbury, or for Old Sarum, or for Helstone, he was to consider himself as a representative of all England, and as bound to take as much care of the interests of one part of the empire as another. The idea therefore of complying in all cases with the instructions of constituents, was an idea directly repugnant to the Constitution of Parliament, and to the functions and duties of its members. The honourable Baronet who spoke a short time since took notice of physicians and medical advice. Before a physician's aid was called in, it was necessary that the patient should apparently want such aid. That this was the case in regard to Parliament remained to be proved. No such proof had yet been given. But it was said there were such things as burgage tenures, that this Lord sent in members for one borough, and that Lord for another. It was very true; but in all human institutions there would necessarily and unavoidably be some blemishes. For his part, he regarded all such matters as trifles only, as things scarcely seen or felt, as mere warts upon the constitution, which did it no harm, nor occasioned any inconvenience. Was then the Constitution to be endangered, in order to get off these little excrescences? But the worthy Alderman had said, it was not innovation, but renovation, and recurring to first principles, that he proposed. Good God, did gentlemen consider what they said when they talked of renovation, and coupled with it the idea of a more pure representation in Parliament, with a view to give the People a larger share of power? The People had more legislative power now than ever they had. The argument held by those who were the most zealous advocates for what was called a reform, was, that they wanted to check the influence of the Crown and the influence of the aristocracy, and to give more influence to the democracy. And yet these very gentlemen talked of renovating the Constitution, and recurring to first principles. Let them recollect what the ancient Constitution was, and what the modern Constitution was at that moment. In ancient times the People had no share at all in the Legislature, it lay wholly with the King and his Barons. Before the Revolution, therefore, there was infinitely less freedom than there was now; and were gentlemen, who made their desire to obtain more freedom for the People the plea for their zeal, anxious to renovate the Constitution, and to take the new fabric of it to pieces, in order to build it up after the old fashion? Let them but reflect a moment on the absurdity of this

this conduct, and they would then see, it was innovation and not renovation that was intended. They could not declare themselves determined foes to the influence of the Crown and to the influence of the aristocracy, and at the same time mean to go back to periods, when the Crown and the aristocracy had ten times more influence in that House than either had now. His Lordship traced the Constitution from the earliest periods to the present day, and shewed that the Constitution of Germany, the Constitution of Portugal, of France, and of Spain, all had their origin in the same source from which the British Constitution sprung; but that the genius of the country, and an infinite variety of accidents and events, had made it what it now was. He took notice of the various projects that had been suggested by different speculators for a reform of Parliament, and stated some of them to be pregnant with infinite inconvenience, and others to be utterly impracticable. He particularly entered into a discussion of the scheme of adding one hundred Knights of the shire, and also the Duke of Richmond's idea, that every individual person should have a vote. He took notice of the statute of Henry the VII. which confines the electors for members to serve in Parliament to freeholders possessed of freeholds of forty shillings a year rent. He reminded the House of the different value of money at that day and at present, and contended, that if elections were bad things for the country now, they would be ten times worse if the number of voters were increased. After having urged that the People did not wish for a reform, that any alterations would be dangerous to the Constitution, that to renovate the Constitution, as it is called, would be to lessen the power and influence of the democracy, and to increase the power and influence of the Crown and the aristocracy, and that all the purposes of perfect freedom to the People and a strong and efficacious Government might be answered under the present Constitution, his Lordship took notice of Mr. Pitt's having said, that if the honourable Alderman did not make his motion that day, he would make a motion upon the same subject early in the next session. Since the honourable Alderman had made his motion, he said, the right honourable gentleman was absolved from his promise, because the condition of it had been violated; he begged leave to assure him, therefore, that he did not stand pledged to make any motion of the kind, and he hoped he would not. Having urged this, he at length took notice of Sir Richard Hill's attack upon him, and said, he presumed, when the honourable Baronet talked

of a galloping consumption, he did not mean to allude to his person, because, undoubtedly, that afforded no symptoms of any such disease. After playing a little with this idea, he said, the honourable Baronet, and many of those connected with Administration, were perpetually holding out to him the idea that he had been the cause of all the calamities of the country by promoting the American war. Sir, says he, I deny that to be true; I found the American war when I came into Administration; I did not create it, it was the war of the country, and approved of by the People at large. Sir, had Parliament been reformed, they would not have expressed more clearly than the unreformed Parliament did the opinion of their constituents on that subject. But, Sir, I desire once for all, that gentlemen will desist from those unfounded assertions, that I was the author of those calamities. If they are of that opinion, let them come forward with a charge; I am ready to meet it; I call for it; nay, Sir, I demand it as a right. Sir, there can be no reason for withholding it now. If I was protected before, I am not protected now. Sir, the Minister has every thing that can enable him to carry on the prosecution against me; he has a House of Commons to accuse, he has a House of Lords to judge; he is master of all the written evidence against me. And, as to parole testimony, those who were my friends, those who were in my secrets, those whom I received into my utmost confidence, from whom I concealed nothing, are now the friends of the right honourable gentleman, Sir; and I dare say their love of justice and regard for the Public will make them fit and useful witnesses upon such an occasion. Yet, Sir, with all these advantages on the part of the Minister, of accuser, judge, written and parole testimony, I do not shrink from, but court the enquiry: but this I must insist upon, that if the matter is not enquired into, it shall not be argued upon as if proved. His Lordship after this recurred to the topics touched upon in the former part of his speech, and having again declared his express objections to any alteration in the Constitution of Parliament, he said, that holding such sentiments, he could not consistently move a previous question, though he might consistently vote for a previous question, if any other gentleman chose to move it; if that was not done, he should content himself with giving the motion his negative.

Sir Edward Astley.

Sir *Edward Astley* said, he was not in the habit of complimenting the noble Lord, but he must say, he had never heard him make a more able speech in his life. Sir Edward,

after

after this, declared the noble Lord had once dared him to institute an enquiry into his conduct. He had not chosen to undertake the office; but he should, nevertheless, still continue to impute all the calamities brought on the country by the American war to the noble Lord. Sir Edward professed himself a friend to the motion.

Mr. *Beaufoy* spoke to the following effect: A noble Lord, formerly the Minister of this kingdom, has endeavoured to convince the right honourable Chancellor of the Exchequer, that he is bound no longer by his engagements to the Public to support a parliamentary reform, which, therefore, the noble Lord advises him to relinqush. Sir, the friends of the right honourable Chancellor are under no apprehensions that he will take his Lordship's advice, not only from their being convinced that his Lordship is the last man in the kingdom whose advice he would chuse to take, or whose example he would wish to follow; but from the still stronger reason of their being perfectly absurd, that no consideration under heaven would induce him to abandon an object which he believes essential to the happiness of his country.

Mr. Beaufoy.

The arguments of those who, in the course of the debate, have endeavoured to combat the propriety of the motion, seem to be reducible to three specific objections; the first is, that the People do not wish for a reform in Parliament.

The second is, that whatever may be the wishes of the People, a reform in Parliament would be highly prejudicial to the interest of the Public; the last is,

That, abstractedly from all other considerations, this particular mode of effecting a reform in Parliament is dangerous, and the time highly inexpedient.

To each of these objections it is easy to reply; my arguments will be short and few.

In the first place, it is said, that the People do not wish for a reform: in answer to this assertion I can appeal, with confidence, to the language of the most popular candidates in all the popular elections; for if we may judge of the wishes of the People by the arguments which those who are candidates for their favour, make use of to conciliate their esteem, we must be convinced that a parliamentary reform is, of all objects, that which the People have most at heart.

The noble Lord has said, that he believes no House of Commons, more popular than the present, has ever existed in the kingdom: none, for so he must mean, that ever enjoyed

joyed in a more ample degree the good opinion and confidence of the People.

I perfectly agree with him in this belief, and therefore I am confident that a reform in Parliament, which was always a public wish, is now, perhaps for the first time, the public expectation too; for the People are persuaded that, whatever were the sentiments of the late Parliament, you will not blame their endeavours to procure, not that ideal and absurd equality which the noble Lord ridicules and condemns, but that enlargement of their political freedom which is essential to the security of their civil rights. They wish to place as many guards as possible round those high privileges which they alone, of all the principal nations of Europe, continue to enjoy, but which, they well know, must cease with them also whenever they shall cease to be the constant objects of their care.

They are confident, therefore, that you will not blame their zeal, if following the example of their ancestors, they endeavour to preserve their Constitution, by arresting the progress of abuse, and by endeavouring to obtain such new regulations as the common sense and the common feelings of mankind recommend. To that common sense and to those feelings they appeal, from the assertions of the noble Lord, when he declares, that for a reform in Parliament there is no plea, either of necessity or use; for they ask, Is it not unwise to give to an agent such a continuance of power as must render him independent of his employers, and encourage him to use, for his own benefit, that authority that was given him for theirs? In private life, this would be considered as the excess of folly; in public life, it is impossible it should be wisdom.

The People, says the noble Lord, have reason to wish for a reform; they think they have the most forcible of all reasons, a certainty, founded on their own experience, that n delegated power will long be faithfully exercised, unless it frequently returns to those by whom it was bestowed. Are they asked for proofs of this assertion? Their answer is a national debt of 250 millions, a debt which no credulity can believe the People themselves would have contracted; which no credulity can believe the representatives of the People would have contracted, if they had no interest but that of the People; a debt of which we know that much has been contracted in a way that profligacy itself will not dare to justify; for, in one single year (to say nothing of other years) to charge 21 millions to the national account, when only

only twelve millions were borrowed, is a transaction which no man living will have the hardihood, in the face of his country, to defend.

The noble Lord talks of a reform in Parliament as of entire ruin to the Constitution: the People will tell him that they have not forgotten, though it seems he has, that within the memory of persons now living, the Parliaments of this country were triennial; they will tell him that to this hour they must have continued triennial, if the first principles of the Constitution had not been abandoned, and its most sacred rules grossly and indecently violated; for, if there is any one maxim of the Constitution which challenges particular regard, if there is any one to which a peculiar sanctity belongs, it is the maxim that the House of Commons shall be appointed by the People; whereas that House of Commons that repealed the triennial act was, as to the last four years of its existence, self appointed. The People empowered them to make laws; they did not empower them to make legislators.

To restore to the People a benefit, of which they were so unconstitutionally, so unjustly, so tyrannically deprived, is an object which every friend to the People must have most sincerely at heart.

I know I shall be told, that if triennial Parliaments should be restored, the expence being doubly frequent, would become an intolerable evil: my answer is, that if the evil should be intolerable, it must be of short continuance; its magnitude will enforce correction, and, indeed, there is much reason to believe, that till the frequency of elections shall have made the expence intolerable, no effectual law for restraining that expence ever will be passed.

The noble Lord has described the defects in our present Constitution as blemishes of no account, as spots which the sharpest eye finds it difficult to trace. On behalf of the People, permit me to tell his Lordship what they think of these shadowy defects, these blemishes of difficult discernment: is it not, they say, contrary to all reason, that less than seven thousand electors should return a majority of the electors of seven millions of people. Is it not unjust, in the highest degree, that twelve electors should return twelve members of Parliament, when the whole city of London returns but four? Is it not the excess of folly, that places without inhabitants and without houses, should have representatives in Parliament, when Manchester, Leeds, and Birmingham have none? Sir, the People know not in what

ſenſe of the word the late Houſe of Commons could be called their repreſentatives, when their language (ſay they) was alien to our ſentiments, and their conduct abhorrent to our wiſhes.

The noble Lord tells us, that the late Houſe of Commons was not charged with being too much ſubject to the influence of the Crown—they were not diſſolved for this crime—Sir, the late Houſe of Commons were accuſed of not ſpeaking the ſenſe of their conſtituents: this was the offence for which they were diſſolved — From the dangerous deſigns of that Houſe of Commons, the interference of the Crown has fortunately ſaved us; but let us not therefore think, that the Conſtitution is ſecure; for what if the Crown, at ſome future period, ſhould join with the Houſe of Commons againſt the People? What if the illegal decrees of the Houſe of Commons ſhould be ſupported by the army, thoſe peace officers as they have been called, with bayonets in their hands; where *then* will be found the boaſted ſecurity of the Britiſh Conſtitution? Where *then* will be the difference between the freedom of England and the ſlavery of France? The noble Lord ſeems to be impreſſed with melancholy apprehenſions of the danger that may follow the appointment of ſuch a Committee as the motion before you deſcribes; for my own part, I cannot think ſo irreverently of the Houſe, as to believe, that the number it contains of wiſe and moderate men is ſo ſmall, as not to furniſh the very few that are requiſite to compoſe a Select Committee—I am confident, that a large proportion of the Houſe conſiſts of men whoſe zeal is tempered with prudence, whoſe ardour is guided by knowledge, and who think, that were they named to ſuch a Committee, their buſineſs would be, not to invent ſyſtems of ideal unattainable good, but to point out to the Houſe the defects in the preſent ſtate of the repreſentation of the People, and to ſuggeſt ſuch remedies to thoſe defects, as are beſt ſuited to the laws, and moſt conſonant to the genius of the Conſtitution. Some of thoſe gentlemen who preceded the noble Lord in the debate, have objected to the motion, from an idea, that the preſent is not the ſeaſon for deciding on buſineſs of ſuch infinite importance — Sir, I am convinced, and I ſpeak it with much concern, that a reform in Parliament is a matter of immediate neceſſity; for, when the executive power of our Eaſt-India dominions ſhall be placed in the Crown, and nowhere elſe can it be conſtitutionally placed, who does not foreſee, that without a reform in Parliament, an overwhelming influence will bear down the ſtrongeſt barriers of the

Conſtitution? The noble Lord will adviſe us to veſt the government of our India poſſeſſions in Commiſſioners appointed by Parliament, and to give executive power to the delegates of the People; but God forbid that his advice ſhould be followed, for that would be to deſtroy the very foundations of our Government, and to break up the very ground on which the Conſtitution ſtands — On the other hand, it equally concerns us to beware of increaſing the power of the Crown, without ſtrengthening at the ſame time the fences of the People's freedom.

To avoid the evils of this unhappy dilemma, that of an immediate ſurrender of our Conſtitution on the one hand, or on the other, that of deſtroying the balance of its powers, which muſt ultimately terminate in its ruin, no other way preſents itſelf to our choice but that of ſhortening the duration of Parliaments, and guarding againſt an increaſe in the influence of the Crown, by reforming the repreſentation of the People.

Mr. *Martin* ſaid, that as a ſincere and zealous friend to a thorough reform in the repreſentation of the Commons of this realm, he could not refuſe his aſſent to the motion propoſed by the worthy Alderman — that he thought a Committee of the Houſe, compoſed of intelligent and reſpectable characters, might do much to facilitate and promote ſo deſirable an object. He truſted, that on this occaſion, the right honourable gentleman at the head of adminiſtration, and the right honourable gentleman on the other ſide, would both afford their hearty aſſiſtance; he declared that he had not the leaſt doubt of the ſincerity of either of thoſe right honourable gentlemen in their profeſſions on this ſubject, but that he did not think either of their plans, if he had rightly underſtood them, ſufficiently extenſive. He would adviſe the worthy Alderman, as he really believed him to wiſh ſucceſs to the cauſe, to encourage a general aſſociation of thoſe who were now unrepreſented in this country; that they ſhould eſtabliſh a general correſpondence, and claim their right in a peaceable and conſtitutional, but a firm and determined manner. He believed that every man in the country, who gave any attention to the ſubject, muſt be more and more convinced of the baneful effects of the preſent ſyſtem of electioneering; he ſaid that it was his idea that we had been growing worſe and worſe ever ſince the conſtitutional practice of paying the repreſentative in that Houſe had ceaſed, that inſtead of being Mr. Martin

paid by their rightful masters, they had got into the dirty custom of taking vails, which amounted to a good deal more than lawful wages. He said that he sincerely believed that representation would never be what it ought to be, so long as men continued so eager for seats in the House, and that such eagerness was productive of more evil to the morals of the people, and to the country in general, in various ways, than could easily be conceived by those who had not observed it with attention. He was persuaded that if gentlemen would but reflect coolly and frequently on this subject, they must be deeply affected by the extent of the evil. He conceived that the great opposition made to this reform, arose chiefly from groundless apprehensions; that gentlemen of weight and consequence in the country were apt to imagine that such weight and consequence would cease, or at least be much diminished, if it were to take place; but that he, on the contrary, did verily believe, that those who should prove themselves worthy of public confidence, would, in case of an effectual reform, obtain their seats, and hold them with much less difficulty than they did at present. Mr. Martin said, that if the question on the table should be carried, that he should exceedingly rejoice, as he thought it would be the means of having the business deeply and thoroughly investigated by men of character and abilities. He was very certain that the more the subject was examined, the more clearly it would appear, that by much the greater part of our public and private distress, had arisen from the evil of electioneering influence and corruption: but that he heartily wished that such a Committee should be appointed as an assistance to the Public in inquiring into this interesting matter. He must say, with great deference to the House, that he did conceive that the regulation of representation ought to be in the people at large, and that the House had no right whatever, according to the principles of our Constitution, to dictate as to the manner of election, or the duration of their delegation—that the representatives having too long assumed that power, they seemed to have forgotten the relation they bore to the People, of whom they were the creatures, and by whom they ought to be chosen in such manner, and for such space of time, as the people might think best. Mr. Martin observed, that the noble Lord in the blue ribband had, he thought, according to custom, treated this matter with a levity highly unbecoming the seriousness of the subject. He did not wonder that the noble Lord should persist in a steady opposition to any parliamentary

mentary reform whatever. He well knew, that according to the present syſtem of repreſentation, it was in the power of any man, however juſtly unpopular, to force himſelf into the Houſe of Commons by means of a burgage tenure, or other dependent borough. Very ſtrong inſtances might be brought in proof of this, that if he ſhould mention one or two, he could aſſure the Houſe it was not for the ſake of ſaying any thing perſonally unpleaſant to any man, but merely to evince the truth of the obſervation he had made: that at the very laſt election at a certain borough in Oxfordſhire, not remarkable for the large number of its electors, though there was only one candidate, he was ſo extremely obnoxious to the generality of the people, that he was not very deſirous of the honour of being chaired, but wiſhed to retreat as quietly as poſſible, immediately after that ceremony; and that it was perfectly clear, that had the election depended on the inhabitants at large, that the perſon who now repreſented that borough, would have had but a very ſmall proportion of votes in his favour. Mr. Martin ſaid, he would mention one inſtance more, and he meant that of Kirkwall, where, though the public character of the right honourable repreſentative might poſſibly have reached, it could not be ſuppoſed that he was ſufficiently connected there to have been their repreſentative, if he had been to be choſen by any very conſiderable number of the inhabitants: that he thought, however proper the choice might have been in both thoſe inſtances, that the body of the people could have very little to do in it. Mr. Martin concluded by ſaying, that he ſhould certainly give his vote for the queſtion, on the principles and for the reaſons which he had endeavoured, though he feared very imperfectly, to ſtate to the Houſe.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* declared he moſt undoubtedly ſhould not take the advice the noble Lord had been ſo obliging as to give him, having ſolemnly pledged himſelf to bring the ſubject under the conſideration of the Houſe early in the next ſeſſion, whether the preſent motion ſucceeded or not. He aſcribed the long continuance of the American war, and that very circumſtance being the means of keeping the Miniſter in place, to a corrupt ſyſtem which owed its origin to the want of a reform in the ſtate of repreſentation. He combated Lord North's poſitions one after another. He charged the laſt Parliament obliquely with unconſtitutional conduct, and imputed the late diſſolution to that circumſtance. He joined in admitting the impracticability of univerſal repreſentation,

as projected by his Grace of Richmond, but he declared, that the absurdity of that scheme was no reason why every hope of hitting upon a practicable reform should be abandoned and deserted. He said, Lord North's declaration that the sense of the People could only be collected within those walls, tied him down as it were to vote for the motion, and support any endeavours to have the sense of the People correctly spoken in the House of Commons.

Mr. Dundas.

Mr. *Dundas* began with a complaint of the Chancellor of the Exchequer's having, while he had professed to avoid entering too deeply into the discussion of certain topics, from a desire not to divide the friends of the motion, handled others with a harshness and severity that betokened no very studious endeavour to conciliate the minds and secure the cordial co-operation of his supporters. Mr. Dundas, after this exordium, stood forth the defender of Lord North from any imputation of particular blame for having carried on the American war; the noble Lord, he said, found the war begun when he took the lead in government; it was then a popular war; and where was the Minister to be met with, who would have dared to have dropped it? After having spoken to exculpate Lord North for his conduct in office, he apologized for having spoke from the question so much. He declared himself averse to the specific motion under consideration, because it professed not to have any end in view that could be attended with the least possible good. It would obtain no information for the House, but what the House already possessed. That there were rotten boroughs, and that the aristocracy held them, were facts well known already. The only consequence that appeared to him as likely to follow such an inquiry as the motion tended to institute, would be, the establishing by authority the melancholy fact that the Constitution we had for ages boasted of so highly, was one continued system of disease and corruption, and that it was impossible for human ingenuity to suggest an adequate remedy. This would create gloomy ideas and leave the imaginations of the people at large depressed and sunk under their weight. Mr. Dundas said, he should have better liked a motion for a Committee of the whole House, as in such a Committee every single proposition might have been separately discussed, and decided upon; he ended, with declaring he should give the motion his negative.

Mr. Fox.

Mr. *Fox* rose next, and in a speech of considerable length, supported the motion. He declared, although he had not before

before made up his mind to the propoſition of ſhortening the duration of Parliaments, what he had ſeen within the paſt ſix months had completely decided his opinion upon the point, and he was now ready to declare their duration ought to be limited to as ſhort a period as poſſible. He animadverted on the leading political events that had occurred ſince laſt November, and contended, that they all proved the neceſſity of a free and independent Parliament. Upon a Houſe of Commons ſo formed, depended the exiſtence of every thing dear to Engliſhmen. He ſpoke of the uncommon exerciſe of the Royal Prerogative by the preſent Miniſter, and ſtated, that if the Crown had a Houſe of Commons without doors, and a Houſe of Commons within, and played the one off againſt the other, as intereſt rendered convenient, occaſionally menacing with threats of diſſolution, and occaſionally alluring with promiſes of honours and rewards, the People were ſolely in the hands of the Crown and its Miniſters, and the Conſtitution of the country was not ſafe for a moment. He compared the preſent times to the four laſt years of Queen Anne, but declared, if any thing, the times were now worſe. He replied to what Mr. Pitt had ſaid of the American war, and acknowledged that the revival of that topic always gave him pain; he ſaid, he reprobated the conduct of that war as much as ever, but juſtice required he ſhould admit, that neither he nor any of his oppoſers, at the time that they divided ſixty or ſeventy on a diviſion, ever pretended, that it was not at that period a popular war. He charged Mr. Pitt with want of feeling, to which he imputed the manner of his revivin a ſubject that muſt create as much diſguſt in the minds of thoſe who ſat near him, as it could poſſibly do, in the minds of others on the ſide of the Houſe on which he ſtood at that moment. He contended warmly and zealouſly for the queſtion, and urged the extreme propriety of the point of time at which it was brought forward. He cloſed with an earneſt exhortation to the Houſe to ſupport a motion, to which there could be no reaſonable objection advanced.

As ſoon as Mr. Fox ſat down, there was a violent clamour for the queſtion, and the gallery was cleared of ſtrangers.

Mr. *Burke*, with a great deal of difficulty obtained a hearing, but he was not ſuffered to proceed long, ſuch was the impatience of the Houſe for the queſtion. Mr. Burke chiefly directed his argument to that part of Mr. Pitt's ſpeech, in which he had mentioned the American war, and called Mr. Burke.

called upon the Chancellor to shew, how the American war originated in the state of parliamentary representation? He put his question in two or three different ways; but before he could proceed farther, he was interrupted, and a warm altercation took place, some of the young members vociferating so loudly as to prevent Mr. Burke from being distinctly heard. At length, after complaining of the indecent and disorderly conduct of a part of the House, Mr. Burke declared he had something to say, which he conceived was well worth their hearing, but it was too much for him to stand up against so violent a clamour. He saw he was among a parcel of rocks, the sides of which resounded with the intemperate lashing of a roaring surge, and therefore, though he was past, and had got the better of those feelings, which they who were so stupidly clamorous, hoped to oppress him with, he thought it more prudent for the moment to bow to the storm.

Gen. Burgoyne. General *Burgoyne* rose to express his sense of the conduct a part of the House had just held, and which he declared, he could not consider otherwise, than as a disgrace to the whole assembly. The General stated, that every individual member had a right to be heard on any question, and in order that every member might obtain that justice, he gave notice, that if on any future occasion, he should see any gentleman act in so disorderly a manner as to insult a member upon his legs, he would mention him by name to the Chair, that such shameful behaviour might be reported to the House by the Speaker, and receive that censure which it loudly called for.

Lord Mulgrave. Lord *Mulgrave* said, he would not at that late hour detain the House by entering into any argument upon the principle of the motion; indeed the principle had been so ably argued on both sides, that whatever he might have to say farther upon it, must be superfluous; but as a young member, who had spoken early in the debate, and very ably, had declared, the question of a reform of Parliament was new to him, and had objected to putting the question then, because he had not had time to make up his mind upon the subject, he thought that a good ground for deferring coming to any opinion one way or another as yet. He therefore moved the previous question.

Mr. Sawbridge. Mr. *Sawbridge* complained of the unprecedented motion that had been just made. He appealed to the noble Lord's candour, whether it was fair, after all that had been said upon the subject in the course of the debate, to rise at that late hour and move the previous question? The reason which the noble

noble Lord had assigned for moving it, did not, in his opinion, bear him out. The noble Lord had stated, that he moved the previous question, in order to give a young member, who had spoken early in the debate, time to make up his mind upon the subject of a parliamentary reform, since that subject was quite new to him. The noble Lord surely forgot, that the member in question, though he had told the House that the subject was new to him, and that he had never thought upon it, had also in the same speech said, that he had consulted his constituents upon it, and that they had expressed no desire that he should support any motion for a parliamentary reform. It was evident, therefore, the subject was not so new to the honourable gentleman as he had stated, and if his constituents were indifferent to the question, he would venture to say, that they stood singular in their opinion. With regard to much of the debate, he had a right to declare it had no reference to his motion, which did not go upon any particular specific mode of reform, but was merely a motion, that a Committee might be instituted to inquire into the state of the representation. That Committee, he said, meant to make a Report; and it would remain with the discretion and judgement of the House to terminate what proceedings, if any should be had, upon the basis of that Report. The motion, therefore, bound the House down to no species of reform, but merely put the matter in progress, and would serve to convince the People that the House of Commons was serious in its professions of complying with their wishes upon a topic, upon which so much of the expectation of the public in general rested. He earnestly hoped, therefore, that the candour of the noble Lord would induce him to deal more fairly with the question, and that he would not persist in his motion.

Mr. *M. A. Taylor* said, the honourable gentleman had misunderstood him, or he had misrepresented him: why or wherefore he knew not. What he had said was this: that he had stood for two different places, at neither of which had he heard any thing from the electors touching the question of a parliamentary reform. That since his election, and very lately, he had been down at the borough for which he sat; that he had then mentioned to several of the leading men of his constituents, that a motion on the subject of a parliamentary reform was likely to come on, and had desired to know if they wished him to vote upon such a motion in any particular way. To that question he received not any answer, that shewed that his constituents felt very zealously about the matter. Mr M. A. Taylor.

matter. With regard to his not having made up his mind upon the ſubject, he certainly had not as yet, having ſat ſo ſhort a time in Parliament.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* roſe to ſecond Mr. Sawbridge's requiſition. He declared, that no private opinion of his, that it was not the beſt poſſible moment to urge the queſtion in, or the moment moſt likely to bring it forward with advantage to the cauſe he had ſo much at heart, ſhould induce him to do any thing, that might look like diſcountenancing the principle of the queſtion of the day; he therefore earneſtly hoped the noble Lord would ſo far comply with what pretty plainly appeared to be the general ſenſe of all ſides of the Houſe, as to withdraw the previous queſtion. To move ſuch a queſtion, upon a motion of ſuch magnitude and importance, as that which had been under diſcuſſion ſo many hours, was certainly very unuſual, and would throw a ſlur, as it were, upon the queſtion itſelf, that ought not, in his opinion, by any means to be thrown upon it. He hoped, therefore, the noble Lord would not perſiſt in the previous queſtion, but would ſuffer the Houſe to vote on the main queſtion. If, however, it ſhould ſo turn out, that the noble Lord could not be prevailed on to withdraw his motion, he cautioned the Houſe, that by voting againſt the previous queſtion, they might have an opportunity of getting rid of it, and by that means vote afterwards upon the main queſtion. He, therefore, he declared, ſhould certainly vote againſt the previous queſtion, if the noble Lord ſhould ſtill perſiſt in it.

Mr. Sheridan.

Mr. *Sheridan* ſaid, ſo far from his thinking what had fallen early in the debate from the young member, who had ſpoken laſt but one, rendered a previous queſtion either neceſſary or proper, the motion of his honourable friend, the worthy Alderman, appeared to him to be exactly adapted to the ſituation of the honourable member; becauſe the motion was not a motion for this or that particular mode of reform, but a motion for the appointment of a Committee to inquire into the ſtate of the repreſentation. From that Committee the honourable gentleman might learn facts, upon a knowledge of which alone he could form an opinion, and make up his mind; he hoped, therefore, the noble Lord would not perſiſt in his motion for the previous queſtion. From the noble Lord's well-known candour, he was inclined to hope he would withdraw it; and indeed he had another reaſon for thinking ſo, which appeared to him to be a very forcible one, and to be likely to operate more upon his mind, that any other

other he could suggest, and that was, a consideration for the character of the right honourable gentleman at the head of the Exchequer. That right honourable gentleman had supported the motion so ably and so vigorously in the course of the debate, that he was himself perfectly satisfied and convinced, that the right honourable gentleman, notwithstanding he might not, in his own private opinion, think that the best moment for bringing the subject forward, was sincerely a well-wisher to the motion, and a real friend to a sober and temperate parliamentary reform. What a risque then would the noble Lord put his right honourable friend to, if by moving a previous question at that late hour of the night, he afforded the public room for suspicion, that such a motion was made collusively, and with the right honourable gentleman's connivance? For these reasons, he hoped the noble Lord would withdraw his motion.

Ld. North.

Lord *North* rose to defend the previous queston. His Lordship said, he saw nothing improper in moving the previous question; there were two descriptions of persons about to vote that day, viz. those who thought with him upon the subject, and were enemies to any and every alteration of the Constitution; and those again, who were not averse to the principle of a reform, but thought that not the fit time for it. Now the previous question would suit either of these descriptions, and therefore it appeared to him to be highly proper — With regard to the motion's suiting the honourable member, who had declared he had not made up his mind upon the subject of parliamentary reform, he could not see how it would suit him, because if he went to the Committee, he might hear something of different modes of reform, and which of them the majority of the Committee might approve, but it could not enable him to make up his mind in favour of which he ought to decide.

Mr. Sawbridge.

Mr. *Sawbridge* rose again to explain — He charged the noble Lord with having intirely misapprehended his motion; and, to convince the House, that such was the fact, he desired the motion might be read. This having been complied with, Mr. Sawbridge reminded the House, that there was no such word as reform in the whole motion; the motion was merely for a Committee to be appointed to inquire into the state of the representation, and therefore undoubtedly was such a motion as might fairly be voted for by the honourable young member who had risen so lately. Mr. Sawbridge

again appealed to Lord Mulgrave's candour, and begged him to withdraw his previous question.

Mr. Wilberforce.

Mr. *Wilberforce* said, he sincerely wished the honourable Alderman had not brought on his motion that day, because being a hearty and zealous well-wisher to a parliamentary reform; he should have been glad it had come on at a better season—So determined, however, was he to do nothing that might look like a wish to discountenance the principle of the motion, that he would certainly vote against the previous question

Lord Mulgrave

Lord *Mulgrave* said, he had been so particularly called upon, that he must necessarily say a few words—His candour had been appealed to, in a manner he thought rather extraordinary—What had candour to do with the question? Was there any thing unfair in his moving a previous question upon a motion, the friends of which were violently divided in opinion, a great part of them thinking that to be an unfit time for it to be brought on. With regard to the injury his persisting in the previous question might do the character of his right honourable friend, he had no idea of that being possible, his right honourable friend's character was, he trusted, far too firmly established to be shaken by so slender a circumstance, though he had heard the prophetic misrepresentation and the invidious comment that was intended to be put upon it—His Lordship disdained the imputation of collusion, and said, if there was any crime in proposing the previous question, the noble Lord in the blue ribband was his accomplice in that foul crime; that noble Lord was too manly a character to warrant any suspicion of an undue motive for what he had done; he should therefore acknowledge no compunction His Lordship concluded with declaring, that he should persist in his motion for the previous question.

Mr. Sheridan.

Mr. *Sheridan* rose again to complain of Lord Mulgrave's having talked of prophetic misrepresentations and invidious comments—No part of what had fallen from him, he was persuaded, justified such insinuations—He had declared he was perfectly convinced of the sincerity of the right honourable gentleman's zeal for the principle of the worthy Alderman's motion, and had deprecated the consequences that might follow any of the right honourable gentleman's friends moving the previous question. People without doors who were not perfectly apprised of all that had passed in the debate, might conceive, that it was a trick and a connivance, and

and that the previous question was moved with the right hon. gentleman's consent and concurrence—It was in order to avert this misconstruction, that he had exhorted the noble Lord to act candidly; and not persist in his motion; and he had been not a little induced to press the withdrawing of the previous question upon the noble Lord, from the right honourable Chancellor of the Exchequer's having himself been the first to declare, that disposing of the motion by the previous question, was casting a slur upon the very important topic to which it bore so immediate reference.

Sir Francis Bassett. Sir *Francis Bassett* begged, before the question was put, to be permitted to say a single word to it. Sir Francis declared, he did not wish the previous question to have been moved, because he was desirous that a direct negative should be put upon the main question, in order that it might be laid at rest for ever, having maturely considered the subject, and being decidedly of opinion, that any alteration in the state of parliamentary representation would prove highly dangerous and destructive to the Constitution.

Mr. Wm Grenville. Mr. *W. Grenville* said, he was not only extremely sorry the previous question had been moved, but he had hoped the noble Lord would have been prevailed on to have withdrawn it, because his wish was, to have the sense of the House taken upon the motion for a Committee, when he meant to have given it his negative, and he flattered himself, that the subject of a parliamentary reform, as far as it could in the nature of things, would have been put to sleep for ever. Mr. Grenville said farther, that greatly as he admired his right honourable friend, and greatly as he revered his splendid abilities, he should have lost much of that admiration, and much of that reverence, if he could have entertained so poor an opinion of him as to have thought him capable of expecting a servile compliance with his particular sentiments on every great and important question. He had no such opinion of him, and therefore he rose to declare, that he was an enemy to the principle of the original question, and that he should vote against the previous question, in hopes of being able to give his negative to the main question.

The question was then put, and the House divided;

Ayes, - - - - - -	199
Noes, - - - - - -	125
Majority, - - - - -	74

June

June 18.

The Speaker. The *Speaker* called the attention of the House to a difficulty which had occurred, at the office of the Clerk of the Crown — An indenture, purporting to be a return for the boroughs of Inverness, &c. and signed by the Sheriff of Elgin, had been tendered him; but he declined accepting it, as it ought to have been annexed to the writ; he therefore applied to the House for instructions — It was agreed to take the matter into consideration on the Monday following.

The House went into a Committee of Supply, and Mr. *Brett* rose to move the ordinary of the navy — He would not go at length into the detail, as the establishment was exactly the same as that voted in the last session of the last Parliament; he would make his motions therefore in the usual way—and first, he moved for 701,869l. 0s. 6d. for the ordinary, including half-pay to sea and marine officers for 1784.

Mr. Hussey. Mr. *Hussey* condemned, as he had often done before, this manner of demanding money for the public service, he was well aware, that it was scarcely possible for Ministers to apply sums voted to the particular objects for which they had been demanded, as it was often found necessary to lay out in the repair of one ship, what had been voted for the repairs of another, the idea, therefore, that he had of these estimates, was, in fact, that they called for a certain sum of money for uncertain purposes; and therefore he would strongly recommend it to Government, to apply in future for a grant of money on account, without stating for what purpose, and afterwards to give a satisfactory account of the application and expenditure of that sum: for in truth it was ridiculous to find the same ship in every year's estimate, to see, that perhaps 100,000l. might have been voted for the repairs of that ship, though every shilling of that money might have been expended, and honestly too, on other ships, which on an emergency might have been fitted out in a much shorter time than that single ship could have been repaired. — He called upon the naval agents in the House, to turn this matter in their thoughts, and communicate their opinions to the House.

Admiral Sir Thomas Frankland. Admiral Sir *Thomas Frankland* rose next; he complained of the want of discipline that prevailed thoughout the navy, from the entrusting boys with commands. He hoped the copper sheathing was to be taken off the men of war's bottoms, else we should not have a ship fit for any service.

Com-

Commodore *Bowyer* ſaid he would not have opened his lips on the preſent occaſion, if the addreſs made to the naval officers by the honourable member who ſpoke laſt but one, had not called up the honourable Admiral near him, whoſe aſſertions he could not ſuffer to paſs unnoticed. The honourable Admiral ſaid, that the diſcipline of the navy was deſtroyed; but that gentleman would permit him to obſerve, that his long retreat from the ſervice, might poſſibly make him ignorant of the preſent ſtate of diſcipline in the navy: the ruſt of more than thirty years might well have deſtroyed the brilliancy of the honourable Admiral's profeſſional abilities, of which he meant not to ſpeak diſparagingly, as he had never heard any mention of them. For more than thirty years, the honourable Admiral had performed no other voyages than from Weſtminſter to Change-alley, and probably knew little more of the ſtate of our fleets than he could learn by the riſe or fall of inſurance. The honourable Admiral might not be able to comprehend the nature of the improvements that had been made in the diſcipline of the navy ſince he had retired from the ſervice. As to the ſtate of that diſcipline, the hiſtory of the wide-extended war in which we had lately been engaged, would beſt explain it: the faithful hiſtoric page would fill the minds of men, in ages yet to come, with admiration, when they ſhould read there, that Great Britain, after having been engaged in a war with almoſt all the maritime powers in the world, had, at the concluſion of it, left not a ſingle Britiſh ſhip of the line in the poſſeſſion of any of her enemies; that only one line of battle ſhip (the Ardent of 64) had been taken from her, and that ſhe had been re-taken after a general engagement with the enemy's fleet, the event of which had crowned the arms of this country with a moſt glorious victory, (on the famous 12th of April.) As to the ſheathing of ſhips with copper, on which the honourable Admiral had touched, he would ſay this much, that the moſt able and experienced ſhip-builders had aſſured him, they would not ſuffer a ſhip ſheathed with copper, to go to ſea again after three years ſervice, without taking off the ſheathing, and thoroughly examining the bottom.

Commodore Bowyer.

Captain *Macbride* was of the ſame opinion with reſpect to the bottoming of ſhips with copper: he knew from experience that a ſhip ſheathed with copper, and lying long at anchor was apt to grow foul bottomed, as much as thoſe which had other ſheathing: and he knew alſo that what his worthy brother officer had ſaid was ſtrictly true, that ſhips muſt be examined at leaſt in three years, let the copper ſheathing be in ever

Capt. Macbride.

ever so good a state; it was his opinion, therefore, that it was a matter which ought to be referred to the judgement of able men, whether copper sheathing was more or less advantageous to the public service, than any other sheathing.

The question was here put on the motion for the supply, and carried without a division.

Mr. Brett. Mr. *Brett* then moved, that 100,000l. be granted for the ordinary repairs, &c. of the ships of the Royal navy. This motion passed without any opposition, and the House was resumed.

Mr. Alderman Newnham. Mr. Alderman *Newnham* rose to repeat a motion that had been formerly made for leave to bring in a bill to repeal the act imposing a tax on receipts. The Alderman said, his constituents had instructed him to make such a motion; in compliance with their instructions, therefore, he rose to make it; at the same time he would remind the House, that the last time he moved for leave to bring in a similar bill, he had been told, that he was not very apt to comply with the instructions of his constituents; an insinuation, that probably was thrown out with a view to injure him, as it certainly had injured him in no very trifling degree at his election. As the House in general might have heard that he consented to act agreeably to the instructions of his constituents on every occasion, an agreement which he certainly had entered into, he would take that opportunity of declaring, what his opinion upon the subject of instructions from constituents was. He had no difficulty in saying, that upon all local questions, upon all oppressive, internal taxes, and in every case that related to them in particular, the constituents' instructions ought, in his mind, to be implicitly obeyed; but where the characters, talents, and views of Ministers, were the matters under consideration, where measures affecting the general interests of the nation at large were to be discussed and decided upon, there he thought the representative ought to be left to himself, to act as his own judgement founded upon that degree of light and information which could only be obtained in Parliament, should direct him. It was very true, that he had consented to relinquish his seat, wherever his own opinion operated against the instructions of his constituents, so far as to render it impossible, consistently with his conscience and the genuine sentiments of his heart, to obey those instructions; but he trusted, the good sense of his constituents would rescue him from being often put to that severe test. Wherever he found his constituents and he differed essentially upon any great point, he should submit to them the best reasons his abilities could

could enable him to urge in support of his opinion, and if he found it out of his power either to convince them, or to receive conviction from them, he must necessarily bow to their decision; but he was certain they would act more wisely, in not desiring him to vote in a manner inconsistent with his honour. He begged pardon for having thus departed from the immediate subject, respecting which he had risen to trouble the House, and to which he would immediately return. The Alderman then assured the House, that his constituents did not lightly or capriciously object to the tax on receipts, but that they found it to be extremely oppressive, inconvenient, and partial; they were very ready to submit to another tax in lieu of it, knowing perfectly well that the money must be raised by some tax or other, and hoping that a more equal tax would be substituted in the room of that on receipts. Among other objections that he stated, he said, the act for regulating it rendered it more objectionable, because it occasioned offences to be committed, where there was no design to offend. A friend in the country, he informed the House, had written him a letter, stating, that against his will he had been distributing some counterfeit stamps; for having some stamps from London he put them among his papers, and those papers having been accidently pressed, the impression of the stamp came off so clearly, that he had written receipts on some of the counterfeits, before he discovered the mistake. By the letter of the regulating act, therefore, he was a dead man. The Alderman said farther, that if the tax was to be continued, he certainly was of opinion that its collection ought to be assisted, and rendered as productive as possible; but he hoped the House would consent to the repeal, as he believed he might fairly say, the majority of the trading part of the whole kingdom thought it a most unjust tax, and wished to be relieved from the burden and inconvenience of it. He added, that he had heard that the Chancellor of the Exchequer was inclined to repeal the receipt tax; he flattered himself, therefore, that he should have his support on the present occasion. The Alderman concluded with moving, "That "leave be given to bring in a bill for the repeal of the act, "imposing a tax on receipts."

Mr. Alderman *Sawbridge* rose to second the motion. The Alderman said he likewise had received the instructions of his constituents to endeavour to obtain the repeal of the receipt tax, which they, with great justice, in his opinion, complained

Mr. Alderman Sawbridge.

plained of as an unequal and oppressive impost. He hoped, therefore, the House would adopt the motion.

Mr. Lorraine Smith

Mr. *Lorraine Smith* said, he had the instructions of his constituents to support the motion. He rose therefore to obey them. Mr. Smith said, the tax fell twenty-fold on the consumer, who could not by any means contrive to repay and indemnify himself; he therefore thought, upon principles of justice and fairness, it ought to be repealed.

Capt. Berkeley.

Captain *Berkeley* said, notwithstanding what had been urged, he trusted the reports of the Chancellor of the Exchequer's having an inclination to repeal the tax were false, and that he would by no means consent to give up one of the best taxes ever imposed on the subject. If the right honourable gentleman had any such intention, he would oppose it to the utmost, because he highly approved of the tax, and had done so from the first. No complaints were made of it in the county he had the honour to represent. The city of Gloucester indeed had formerly opposed it, but they were now come to the conviction of its propriety, and were perfectly quiet upon the subject.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* assured the honourable gentleman, that whatever reports of his having an inclination to repeal the tax, might have reached his ears, or those of the worthy Alderman who made the motion, he need be under no apprehensions that he was about to give his consent to the repeal of a tax likely to be extremely productive, and which, in his mind, afforded very little ground of just complaint. He might have said, what it was natural for every other person to have said, when he heard that the tax was disliked, and complained of, viz. that it gave him great concern to find it was not approved, and that if a better tax could be proposed, he should be glad to repeal the one and adopt the other; but before he did consent to repeal the receipt tax, it was undoubtedly his duty to be so far assured, as to entertain a reasonable hope, at least, that there was another tax that would be more equal, more easy, and equally productive. That was, he feared, very far from being the case: but so little inclined was he to give way upon the present occasion, that he had no such intention. He never had opposed the tax; though when it was originally proposed, he had entertained considerable doubts of its turning out so productive as it was imagined it would prove. Those doubts had uniformly been verified, but every new tax was an experiment, and necessarily and unavoidably liable to imperfections in the first trial of it. Nothing, therefore, had happened respecting the

the receipt tax, but what every new tax was liable to. In consequence of the regulations that the Legislature had made upon the subject, the tax had been rendered infinitely more efficacious than it had been, and it was now growing more and more productive. About 12,000 pounds had been received upon it in town only, since the 24th of March last, when the new bill commenced its operation; its produce, therefore, as far as it had been seen at present, amounted to 100,000 a year, and as he could not conceive it had yet had a fair trial, he was inclined to believe that its produce would continue to increase, and become still a greater object than it was already. He declared, he was willing also to believe that it was growing less unpopular, and that the prejudices raised against it were diminishing daily. To give up a tax so productive, therefore, so very important in its produce, and so equal and easy in its burden, at a time when other new taxes must necessarily be imposed, and when we had no resources to waste, would, he flattered himself, neither be deemed prudent nor adviseable by the House. For that reason, he should think he did no more than his duty in opposing any motion that had the repeal of the receipt tax for its object.

Mr. *Macnamara* said, no man would be more willing to support the right honourable gentleman in every measure that he should propose, and which should appear likely to promote the public good, than he would; but, on the present occasion, having received the instructions of his constituents, a very worthy and respectable body of men, to exert his endeavours to obtain the repeal of the tax on receipts, he held himself bound to obey those instructions, and to support the motion. Mr. Macnamara declared, that in his judgement the instructions of constituents upon the subject of taxes ought to be religiously obeyed. The receipt tax was found to be a tax partially operating upon men in trade and business; every gentleman, therefore, who represented either a city or a borough, in which men of trade and business resided, ought to feel as a man of trade and business on the present occasion, and to do his utmost to obtain relief for his constituents. He rose for that purpose, and should certainly vote for the motion. Mr. Macnamara.

Mr. *Baring* said, he had the curiosity to examine his own books, and to see how many recepts he gave in the course of a year, and he found them to amount to upwards of 12,000, the cost of stamps for which would be 450l. He said, he could not easily dissect that sum so as to come at the pre- Mr. Baring.

cise portion of it that fell on himself, but he had examined it so far as to discover that not a fiftieth part of it fell upon himself; the rest was spread and disseminated in trifling amounts among an infinite number of different persons. Mr. Baring spoke highly of the tax, as an easy and excellent impost.

Capt. John Luttrell.

Captain *John Luttrell* said, he had received a letter from his constituents, on the subject under discussion, and as it contained sentiments entirely different from those which the House had that day heard from most of the gentlemen who had spoken upon the present motion, he would read it as a part of his speech. Mr. Luttrell then read a letter from Stockbridge, giving an account of an application having been made to the corporation of that borough by Alderman Saunderson, to desire they would instruct their representatives to endeavour to obtain a repeal of the receipt-tax act, and annexing a copy of the answer transmitted to the Alderman by the Mayor and Aldermen of Stockbridge. The answer was a very sensible composition; it stated that the borough of Stockbridge had sent its representatives to Parliament unfettered by instructions of any kind, because the electors were satisfied that their representatives would do their duty, and act for the good of the nation; and because at the same time the electors were conscious that their representatives must be much more competent to judge what was right for them to do in Parliament than they could pretend to be. With regard to the receipt tax, the corporation of Stockbridge declared they considered it as a light and easy tax, far preferable to an increase of the duties on customs and excise, and by no means to be complained of. Having read the letter, Mr. Luttrell said he would add nothing to it, but a declaration, that he for one should oppose the motion.

Mr. Fox.

Mr. *Fox* said, he did not mean to take up a deal of the time of the House upon a subject that had been at different times so fully discussed within these walls; he rose to express his satisfaction at what had fallen from the right honourable gentleman at the head of the Exchequer, and to point out to the House, the extreme absurdity, as well as the infinite inconvenience, that it was obvious must arise, if members, on every occasion, without consulting their own judgement at all, paid obedience to their constituents. It was plain, from what had passed that day, that as every tax would be found irksome to some description of people or other, members would constantly be instructed to oppose every tax that could

be

be proposed. The consequence would be, if the opposition prevailed, the new tax of one year would be forced to be repealed the next, and so on *ad infinitum*, by which means the finances of the country must be totally ruined, and we could have no hope of recovering ourselves. He was happy, therefore, to see the right honourable gentleman stand up and oppose this attempt to obtain a repeal of the receipt tax; and he could not sufficiently applaud the very great candour of the right honourable gentleman in his admission, that the tax on receipts, like every other new tax, was liable to no other imperfections, than such as were, and must naturally be, inseparable from all experiments. A better tax, a tax more just, and less oppressive, he, in his conscience, believed had never been proposed. That it would become more and more productive he also verily believed, and he had as little doubt but its popularity would daily increase. That it had been exceedingly unpopular was certainly the fact, and that those who projected it had suffered for it, he well knew; for upon his canvass, he found a great number of those whom he could not help calling his constituents, extremely averse to it, and firmly of opinion, that it was a bad and oppressive tax. Their prejudices, however, he had no doubt would wear away; for the fact was, that while the tax was not paid, it was pretty generally affected to be clamoured against, and was deemed unpopular; whereas the instant such regulations were made as enforced the payment of the tax, it became less unpopular. Mr. Fox declared, that if Mr. Pitt had expressed an intention to consent to the repeal of the tax, highly as he approved of the tax, he should not have opposed its repeal, because he should have so much confidence in any person in his high office, as to have taken it for granted, he would not consent to repeal one tax, without having another to propose, that would at least prove equally productive.

Sir Matthew White Ridley.

Sir *Matthew White Ridley* supported the motion, having been instructed so to do by his constituents. Sir Matthew said, he disliked the tax, on account of the punishment it had drawn on the persons who proposed it; as severe a punishment, in his opinion, as could befall any gentleman, viz. the loss of his seat in Parliament. The Public also, though innocent, were treated as a *particeps criminis*, and involved in the punishment, by being deprived of the service of as able and as upright a member of Parliament as ever sat within those walls, for such he conceived it would be universally admitted the noble Lord in question was.

Mr.

Mr. Alderman Whatson

Mr. Aldermam *Watson* said, he had likewise been instructed by his constituents to endeavour to obtain a repeal of the receipt tax; he rose therefore to support the motion. The Alderman said, whenever the clear decided sense of his constituents could be collected, he held himself bound to obey it, or if his own judgement would not permit him to do so, to give them an opportunity of choosing another representative.

Mr. Courtenay.

Mr. *Courtenay* rose and said, he wondered not at the complaints men in trade and business made against the receipt tax; it was undoubtedly an infringement on their exclusive privileges. Gentlemen well knew that when any new tax was laid on the Public, the tradesmen, who dealt in the article taxed, always made it the source of great advantage to themselves, by laying a tax upon the tax; now the receipt tax happening, very unfortunately, to be so constituted, that no advantage whatever could be made of it by traders in general, and no more could be raised on the Public than the precise price of the stamp for the receipt, it certainly was a great hardship, and a very serious grievance to men in trade and business; he wondered not therefore at the present endeavours to get it repealed. Another circumstance that marked the receipt tax, as particularly invidious and unfair, was the exemption of the poor from paying to it. Why should that distinction be made? It was an invidious one, and he had no doubt it was from a consideration of this injustice to the poor, that the opulent tradesmen were so desirous of having the tax repealed. These two circumstances, he was persuaded, occasioned that dislike that prevailed against the tax, and the House had so much justice, that he flattered himself, they would feel the weight of such powerful objections, and repeal the tax immediately.

Mr. Thornton.

Mr. *Thornton* said, he did not think the tax sufficiently productive to atone for the inconvenience it was attended with; if it were, he should consider that as a reason for continuing it; but as the case stood at present, he should vote for the motion.

Mr. Milnes.

Mr. *Milnes* declared, that proposing the receipt tax was not the principal cause of Lord John Cavendish losing his election for the city of York, though he admitted it contributed to it.

Sir Edward Astley.

Sir *Edward Astley* said, the tax was not complained of in the county in which he lived; on the contrary, every landholder and farmer, &c. that he had talked with upon the subject, highly approved of it.

Mr. Chancellor *Pitt* said, if the principal objection entertained against the tax by his honourable friend near him, (Mr. Thornton) arose from its not being more productive, that objection would be weakened every day, as he had not the smallest doubt but the produce of the tax would daily increase. Mr. Chancellor Pitt.

Mr. *Hussey* said, his sentiments respecting the receipt tax were well known; but he could not help remarking that there was a great deal of truth in what had been said ironically by the honourable gentleman above him, that the tax was disliked because the poor were exempt from the payment of it. He really believed, much of the objection to it arose from that very circumstance. With regard to what an honourable gentleman said of the consumer's paying it twenty-fold, that must be a mistake, the receipt itself bore the amount of its cost upon the face of it, and no person could pay more than the price fixed by the act of Parliament. The principle of the tax Mr. Hussey declared to be an excellent one. He had on a former occasion proposed an amendment to it, which had been adopted, and which he understood had a very good effect, adding considerably to its produce. The sum it was likely to bring in upon the whole was, he had been told, infinitely larger than it had been given for; it amounted, as he had heard, to five hundred thousand pounds a year, which was a clear gain to the Public of two hundred and fifty thousand pounds. This, certainly, circumstanced as the country was, must be deemed a very beneficial aid to the revenue, and ought not to be parted with lightly; but, nevertheless, had the right honourable gentleman at the head of the Exchequer signified an intention to repeal the tax, he should have had his support, and that because he should have taken it for granted, that he had some other tax to propose that he was satisfied would prove equally productive, and be less objectionable. Mr. Hussey said farther, that if any such tax should hereafter suggest itself to the right honourable gentleman, he hoped the receipt tax would be repealed. He thought it ought, because let him approve the principle of a tax ever so highly, if that tax was found to irritate the People, and they complained of it, in his mind, that was a very good reason, and a sufficient one for repealing it. Mr Hussey.

Mr. Chancellor *Pitt* rose to explain. He conceived, that when the honourable gentleman who spoke last, talked of the produce of 500,000l. a year, he meant the produce of all the stamp duties of the last year. Certainly the receipt tax alone had not yet produced in any thing like the proportion Mr Chancellor Pitt.

tion of that sum. The utmost that had been received in any one week, for the receipt tax, appeared, from papers which he had in his hand, to have been 2200l. in town. He repeated it, that the whole produce, at the principal office in London, since the 24th of March last, had been about 12,000l. and he rated the country produce to be half that of London; so that at present the whole produce he took to be better than after the rate of 100,000l. a year, and, as he had before said, he had no doubt of its increase.

Mr. Ald. Newnham. Mr. Alderman *Newnham* took notice of its having been said in the debate, that the great landholders did not complain of the tax. He declared he should have wondered if they had, because the tax was not felt by them: the complaints against it came from men in trade, upon whom it bore hard, while it did not affect the rich gentlemen.

Mr. Ald. Sawbridge. Mr. Alderman *Sawbridge* denied the fact, that the poor did not contribute to the tax. He said, though the poor were exempt from the payment of the receipt tax in the first instance, by all receipts for less than forty shillings being exempted from stamp duty, yet the tradesmen, who paid the tax, must necessarily exonerate themselves, and consequently they laid it upon the commodities they dealt in, which the poor bought as well as the rich.

At length the question was put;

Ayes, - - - - - -	29
Noes, - - - - - -	118
Majority, - - - - -	89

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, that the preparation of what he intended to propose on the subject of the tea duties to the House, had taken more time than he had originally hoped; but his anxiety to avoid bringing any thing crude and imperfect before the House would, he trusted, be a sufficient apology. In the measure intended to be taken respecting the tea duties, it was difficult to obtain information which did not in every respect leave an uncertainty that he was anxious to remove. He would, however, endeavour to bring the matter forwards on Monday.

Mr. Eden. Mr. *Eden* begged leave to make a few remarks on what had now dropped from the right honourable gentleman. Nothing but an unwillingness to seem to cavil at plans which he had had some little share in originating, prevented his taking notice some days ago, when the right honourable gentleman first gave notice of his intended bill, that many

many essential considerations seemed to be omitted. He had always thought that it would be a most imperfect system to attempt a forcible extirpation of smuggling, without lessening the temptation at the same time; the clandestine trade in teas was the great support of this evil, which now seemed to be destroying the very vitals of the revenue; and it was at the same time a support to the foreign companies, in their competition with our East-India Company. For this reason, the late Committee on the subject in question had given a particular attention to the reduction of the tea duties. That Committee had combined such a reduction, with the hope of thereby also opening extensive means of honest employment to an able and active set of men, who, though now engaged in smuggling, would be an useful accession to increased fleets of East-India ships, if the China trade could be increased. He hoped also, that the intended measure would be accompanied with a general indemnity and complete pardon for all past offences committed by the smugglers. He would only add farther, that the whole would be incomplete, unless a full explanation could be obtained with Ireland: the report in question stated repeatedly and earnestly, that such an explanation was necessary. He had taken occasion, during the three last sessions, to repeat an earnest hope of a full discussion between the two kingdoms, and final settlement of all the important questions relative to their respective revenues and commerce.

Mr. Chancellor *Pitt* said, that he hoped gentlemen, in their readiness to give counsel, would not suggest difficulties. As to the reduction of the tea duties, he certainly had alluded to it when he originally opened the present measures; and a reduction of this and other duties had long ago been recommended by a noble friend near him (Lord Mahon.) He was now happy to foresee that such an idea was likely to find more advocates from the labours of the right honourable gentleman and of the late Committee. Mr. Chancellor Pitt.

Sir *Edward Astley* said, that when a reduction of duties had originally, some years ago, been mentioned by the noble Lord, it had been scouted by the noble Lord in the blue ribband and his friends. Sir Edward Astley.

Mr. *Dempster* said, that he thanked the Chancellor of the Exchequer on bringing forward this business with all due expedition; but he concurred with his right honourable friend in a wish to see some plan of good understanding on revenue and commerce with Ireland. All accounts shewed that Mr. Dempster.

kingdom to be dissatisfied; he sincerely wished that parliamentary commissioners could be named in the course even of the present session.

A petition of the proprietors of landed estates in His Majesty's sugar colonies, and of the merchants of London trading thereto, and other persons interested therein, whose names are thereunto subscribed, on behalf of themselves and others, was presented to the House, and read; setting forth, that the petitioners, or their ancestors, have invested their fortunes in the settlement, cultivation, and commerce of the said colonies, to the extent, upon the most moderate computation, of more than 50,000,000l. sterling, whereby the said colonies, and the commerce thereon dependent, have become the most considerable source of navigation and national wealth which Great Britain possesses out of the limits of the mother country; and that, whilst the said colonies, as well directly as through the medium of other dependent branches of trade, afford a market for British manufactures to a very great amount, and constant employment for more than 100,000 tons of shipping, in the direct intercourse between Great Britain and the said colonies, the clear income of the estates in the said colonies, after defraying the expences of those who are necessarily resident there, is almost entirely spent in the mother country; wherefore the petitioners conceive, that no part of the national property can be more beneficially employed for the Public than theirs, nor any interests better entitled to the protection of the Legislature; and that the disasters and expences of the late war, coinciding with many natural calamities, and with the effect of the heavy increase of duties imposed upon the staple articles of their produce, have reduced the petitioners to great distress and difficulty, and endanger their ability, without relief from Parliament, to carry on the cultivation of the said islands, which failing, the navigation, and all the other subordinate interests and advantages dependent on the cultivation, must fail with it; and that the said sugar colonies cannot produce any quantity of provisions at all adequate to their wants, without misapplying thereto that culture which the public good requires to be appropriated to those articles of commerce which that climate alone produces; and that Barbadoes and the Leeward Islands do not afford any supply of lumber whatever; and that the said sugar colonies never have been, and, to the perfect conviction of the petitioners, never can be, supplied, so as steadily to support the culture thereof with lumber and provisions from any other countries but those which form the

United

United States of America, feeing that the gulph and river of St. Lawrence are froze up half the year, and that the open half includes the hurricane months in the Weft Indies; and that the want of inhabitants, and the rigour of the climate, as well in Nova Scotia as in Canada, fruftrate all juft expectation of thofe colonies becoming fpeedily, if ever, productive, to any confiderable degree, of thofe articles of which the Weft Indies ftand in need; and that the faid fugar colonies never have paid, and, to the perfect conviction of the petitioners, never can pay, for fuch lumber and provifions, but by that part of their produce which, being fuperfluous to Great Britain, has never found a market therein, confifting chiefly of rum, of which the dominions now forming the United States ufed, in time of peace, to confume a greater quantity than Great Britain and Ireland did, even before the confumption in Great Britain was difcouraged by the heavy duties impofed thereon, to the equal detriment of the revenue and of the interefts of the petitioners; and, this fuperfluous produce, if not confumed in Great Britain, or the dominions of the United States, muft be loft, feeing that the confumption of the additional inhabitants which Canada and Nova Scotia may acquire, can amount but to a mere trifle, thus the value of the fupplies, which this fuperfluous produce ought to pay for, would become a drain of fo much cafh from the mother country as muft, in payment for fuch lumber and provifions, be drawn out of what would otherwife reft in Great Britain, of the value of the remaining produce of the fugar colonies fold there, and which would be paid, through the medium of America, to the French, and other foreign fugar colonies, for fupplies fimilar to that which we fhould thus, in the firft inftance, throw away; and that the intercourfe naturally arifing out of thefe mutual wants of His Majefty's fugar colonies and the dominions now forming the United States of America, was, in time of peace, chiefly carried on by American fhipping, of which a large proportion confifted of floops, fchooners, and other fmall veffels, adapted to the cheap conveyance of bulky commodities for a fhort navigation, and not at all fit for, or employed in, the conveyance of fugar from the Weft Indies to Europe, but which took back the returns for their own cargoes in the fuperfluous produce before mentioned; and that, although the direct intercourfe with America in American fhips is, by His Majefty's proclamation, freely permitted to the petitioners' fellow fubjects, not only in Great Britain but in Ireland, it is withheld from the petitioners, to whom, of all His Majefty's fubjects,

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it is the moſt eſſential; and, the ſaid intercourſe ſtands reſtrained to Britiſh-built ſhips, by which, if the trade were to be carried on, they muſt generally proceed from Great Britain to America in ballaſt, at a ruinous expence, and greatly enhance to the conſumer the price of thoſe commodities which form the foundation of all his culture, and which the petitioners ſubmit that every principle of commercial policy coincides in requiring to be conveyed to his hand at the cheapeſt rate poſſible; and that additional duties upon the conſumption of the ſaid ſuperfluous produce of His Majeſty's ſugar colonies in the American dominions, and on Britiſh ſhips trading thither, have been impoſed upon the expreſs ground of Great Britain prohibiting that intercourſe by American veſſels, which the French ſugar colonies not only admit, but, with true policy, invite, whereby a preference, moſt dangerous to our eſſential intereſts, is given to the foreign ſugar colonies in the demand for thoſe commodities which there is no natural obſtacle to their ſupplying as well as we can, although their regulations had hitherto prevented it; and that, under all theſe circumſtances, the petitioners are impelled, by every public as well as private duty, with all humility, but in the moſt explicit terms, to inform the Houſe, that if, by means of this prohibition, the Britiſh ſugar colonies are deprived of a market for that part of their produce which is ſuperfluous to Great Britain and Ireland, and loaded with the additional expence of procuring lumber and proviſions, above ſtated, which ſeems the inevitable conſequence of perſevering therein, the cultivation of ſeveral of the ſaid ſugar colonies cannot be carried on at all, nor any of them to advantage; for which reaſons the petitioners are convinced, and ſubmit to the Houſe, that, far from being favourable to Britiſh navigation, the prohibition in queſtion is big with deſtruction to one of its principal ſources, and, if it ſhould be perſiſted in, His Majeſty's ſugar colonies muſt, in the natural courſe of things, ſink, together with the navigation, revenues, and all the complicated public intereſts thereon dependent, in one common ruin with the private fortunes of the petitioners; and therefore praying, that the Houſe will take the premiſes into conſideration, and give ſuch relief therein as to them ſhall ſeem meet.

Ordered, that the ſaid petition do lie upon the table.

June 21.

In the caſe of the writ for Inverneſs, &c. the matter of the delay being explained to the ſatisfaction of the Houſe, the return was admitted.

Mr.

Mr. *Whitbread* complained to the House of the practice of many persons in trade, by whom the tax on receipts was wholly evaded, while others, who were willing to obey the laws religiously, paid the duty on receipts. He then held in his hand a paper, which he had received from a friend, that was substantially intended for a receipt, though in point of form it might perhaps not be thought one: the form of it was this — " Memorandum. — So much paid on such a day, on " account of Mr. ——. Witness, * * * *." Now, for his part, he thought himself very much aggrieved by this practice, because, while he faithfully paid the tax, it was evaded by his neighbours. He said he would not mention the names of those in whose house this memorandum was given; it was enough for him to say it was a house, which was generally understood to clear little short of 50,000l. a year. This practice, so far from being confined to that house, he understood to be pretty general, and to be followed in most of the great houses in London. The Chancellor of the Exchequer had stated the tax to be so far improved, as to produce 120,000l. a year; but surely if the practice of paying the tax was as general as was that of evading it, it would not be too much to say, that it would produce a million sterling a year. He said he thought it his duty to throw out these observations, that those whose duty it more particularly was to watch over the evasions of the law, might turn their attention to such as were openly, and in the face of day, practised with respect to the receipt tax. Mr. Whitbread.

Mr. *Hussey* thought the honourable member had done his duty in throwing out these observations to the House: he wished at the same time that some of the crown lawyers would inform the House whether, in point of law, such a memorandum as the honourable member had stated could be considered as a receipt within the act. Mr. Hussey.

The *Attorney General* (Mr. Arden) joined in commending the honourable member for what he had communicated to the House. As to the memorandum that had been alluded to, and which the honourable member had laid before him, he would take time to consider it; and if he should be of opinion that it was a receipt within the statute, he should certainly prosecute the person who had given it. — Here the business rested. The Attorney General.

The House resolved itself into a Committee, to take into consideration the report from the Committee on Smuggling, Mr. Gilbert in the chair.

Mr.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* then rose. He observed that the illicit trade of this kingdom had of late years been carried to an amasing height, and very alarming to the revenue in many of its branches, but more particularly in the article of tea; this was said to be the staple of smuggling; for though the trade extended to a variety of articles, yet tea was so much the usual material, that if any means could be devised to prevent the smuggling of tea, the other and lesser branches would hardly give importance to the practice, especially after the regulations which were now projecting. That tea was the staple of smuggling would appear very strikingly from this circumstance, that though no more than 5,500,000lb. weight of tea were sold annually by the East-India Company, it appeared from good authority, that there were consumed annually in this kingdom from 12 to 13,000,000lb. so that the illicit trade in this article was more than double the legal trade. To meet this evil, and remove it, it had struck the Committee, that the best possible plan for that purpose was to lower the duty on tea to such a degree, as to take away from the smuggler the temptation to carry on an illegal trade: this idea met his hearty approbation; but as the revenue could not afford a diminution at present, it would be necessary to propose a new tax, as a substitute, in order to raise as much money, as would be lost by the lowering of the duty on tea. The amount of the tea at present was between 7 and 800,000l. it was his intention not to raise upon tea in future above 169,000l. so that there would be a falling off of at least 600,000l. per annum. His reason for lowering the duty at all, was, that he might take away the temptation to smuggling, by diminishing the profits of it; but there was no occasion, in order to effect this purpose, to take off the whole of the duty: the nature of the illicit trade was pretty well understood; the market price of tea in the foreign markets was well known: it was well known also, that the price of insurance, in so hazardous a trade, and the freight, were about 25l. per cent. to the shore; that the insurance for the inland carriage on it in this kingdom was about 10l. per cent more; and the profit upon the whole he would not reckon at more than five per cent. because the voyage from the continent to England might be very often repeated in the course of the year, so that the 5l. per cent. might, upon the whole of the smuggler's capital, be reckoned in the end at 40l. per cent. per ann. From the expences attending the sea and inland insurances, freight and profit, it was clear that the smuggler must sell at 40l. per cent. above the prime cost. Now his plan was to take off all

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the excise duty on tea, and impose a custom duty of 12l. 10s. on Bohea tea; this, he apprehended, would ruin the smuggling trade in that article; on the finer kind of teas he would lay higher duties; 15l. per cent. on Souchong, &c.; 20l. on Singlo and Hyson, and 30l. on Congo. The quantity of tea legally imported into this kingdom, appeared from the Company's sales; the quantity sold for exportation at Canton in China was easily ascertained; the consumption of the different countries on the continent was pretty well known, which deducted from the quantity sold at Canton, it was evident that the rest must be brought into England, and from this calculation he estimated the home consumption at 13,000,000 of pounds. There was another way of estimating it. He reckoned the people of England to be in number 6,000,000, in which calculation he knew he was considerably under the mark; of these, about 2,000,000 would, according to his plan, be relieved from the payment of the present duty on tea, without being obliged to contribute a farthing towards the tax which he should propose as a substitution: the other four millions he calculated, would, one with another, consume 3lb. of tea each in the year; for each pound of which they pay at present, on an average, 2s. 7d. duty: the duty, or the principal part of it, being taken off, they could afford to pay to a substituted tax, which he proposed to raise in this way: On every house with 7 windows, and which house was also rated to the house-tax, he intended to lay an additional tax of 3s. and so on charging 8s. for every house of 8 windows, nine shillings for those of 9 windows; half a guinea for those of 10, and so on, adding half a crown for each window up to 24; and still rising up to 180 windows, for which 20l. per ann. should be paid over and above the duty at present paid on windows and houses: this would produce above 700,000l. so that with the new duty on tea, the produce would be near 900,000l. By this plan the public revenue would be considerably a gainer, and yet the people would have no reason to complain of additional burdens, as they would be savers by the plan. For instance, a house which should be rated at 10s. 6d. would have a number of inhabitants sufficient to consume 7lb. of tea at 7s. per pound, which would come to 1l. 5s. 10d. the whole of which being taken off, and, in lieu of it, a tax of 10s. 6d. being laid on, there would be a saving to the family by this new mode of 15s. 4d. In England, Scotland, and Wales, there were 682,077 houses, which might be divided into the following different classes:

Under

Under 7 windows each	—	286,296
From 8 to 10 ditto	— —	211,483
11 ditto	— —	38,324
12 to 13	— — —	24,919
14 to 19	— — —	67,652
20 and upwards	— —	52,652
In Scotland	— — —	17,734

Of these, about 200,000, as being excused from the house tax, would pay nothing to this new tax, and the inhabitants, being the poorer sort, would be delivered from the duty on tea. The great benefit then that would arise from this new regulation, would be, in the first place, the checking, or rather the absolute ruin, of the smuggling trade — Another benefit would be, that the fair trader would be relieved in a great measure from the disagreeable visits of excise officers: the East-India Company would also be benefited in an eminent degree, by having to supply the whole kingdom with tea, when smuggling should be got under, instead of less than one half; or in other words, would find a vent for 13,000,000 of pounds of tea, instead of 5,500,000; and two happy consequences would flow from this circumstance; that the Company would be enabled to take twenty more large ships into their service, and find employment for 2000 additional seamen, a circumstance in itself of great national importance: a plan therefore, which had all this to recommend it, and which would increase the public revenue, at the same time that it made a saving to the People, would, he hoped, meet the approbation of the House, and of the nation at large. He foresaw two objections might be started to the plan; one was, that the India Company having the market exclusively to themselves, might avail themselves of the monopoly to raise the prices of tea. To this objection he answered, that he did not believe they would do so, because it would obviously be their interest not to do it; for as the smugglers now carried on their trade against the high duties, in this case they would carry it on against the high prices, and that illicit trade would be restored, which it was now the wish of the Company to restrain and destroy. But not to trust to the discretion of the Company, or leave the People at their mercy, he would propose, that if ever the price of tea at the Company's sales should exceed a given price, then the ports of the kingdom should be thrown open for the importation of tea from the continent. Another objection was, that where a person might happen to have more houses than one or two, it would

be a hardship upon him to make them pay for them all; in such a case, he proposed that he should pay for two of them; and even then, he said, the owner would be a gainer by the plan. He concluded by moving, "That the duties of customs "and excise payable on teas, do cease and determine."

Mr. *Eden* said, that it surely was neither unmanly nor unbecoming to feel a jealousy respecting fair and honest pretensions to the public estimation; when, therefore, he and others had exercised their utmost industry, in stating and explaining to Parliament, in a printed Report, various measures for the purpose of introducing a new system of taxation, and particularly submitted to consideration some months ago, every circumstance which the right honourable gentleman had now brought forward, it was unpleasant and grating to him to be told this day, that the proposition was "in a great degree new." It was, however, a sufficient satisfaction to him to make this remark, and having taken that satisfaction, he would proceed to assure the right honourable gentleman, in perfect and chearful cordiality, that if the measure in view, when brought into the House, should not appear more impracticable than it at present appeared, he would gladly give it every assistance; and the right honourable gentleman must prepare himself in such undertakings, to receive assistance from every quarter. For his measure, though possibly not impracticable, was full of difficulties, liable to create much public fermentation, and certain to be the subject of many long debates in that House. There was a merit above all praise in risquing such an enterprize without absolute necessity, and in superadding the proposed new tax to the various taxes which a few days must bring forward — A revolution was to be made in a single article of taxation, which at present produced 700,000l. a year. The loss was to be compensated by a new tax, which would affect the whole domestic œconomy of the kingdom: perhaps the change would be advantageous to every honest housekeeper, but it was a subject on which men's reasonings would much vary. The illicit venders and purchasers of tea were well known to be very numerous, otherwise the whole proposition would be idle—In short, it was a measure highly interesting to every class and description of mankind within the King's dominions, and involving considerations of revenue, navigation, and public credit. It seemed right too to apprize the right honourable gentleman of a matter which had escaped

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him, and which, perhaps, was the only important point to which he had not adverted — All the foreign companies of Europe had recently imported large quantities of tea; it was well known that they were now importing farther quantities, and to an immense amount; in truth, the foreign companies were now regularly applied to the abominable purpose of smuggling into England the fruits of all the rapine which was practised in the East Indies. Under this accumulation of teas on the continent of Europe, the right honourable gentleman must prepare himself for some disappointment; the continent produced but few consumers of tea; and what could not be consumed, would be smuggled into this country, even at the lowest prices, and under a great loss upon the prime cost. The lowering of our duties would not prevent it, for it must either be sold to us, or thrown into the sea. Gentlemen, therefore, must not flatter themselves; the experiment might be right, but it was at a certain expence, and with precarious effects. Mr. Eden added his hope, that the bill, though a tax bill, and the several papers on which it was grounded, would be printed (to which the Chancellor of the Exche- seemed to assent.) He also suggested a wish, that with respect to the houses of the lowest classes, there could be some mode proposed instead of an additional tax on windows, the effect of which was shocking to health and humanity, as it induced the people to exclude the light and air. As to the proposed plan of admitting foreign teas, whenever the Company should raise their price above a certain standard, he observed that this would be a very incompetent security; for if the plan should succeed, foreign companies would cease to import teas in any quantity that might enable them to resist the monopoly of the East-India Company — He recommended, therefore, that a plan so advantageous to the Company, and so expensive to individuals, should be made the subject of a contract, under which the Company should be compelled to furnish teas at a stipulated price.

Mr. Dempster. Mr. *Dempster* said, there could only have happened one circumstance to have made him approve of the plan just opened by the right honourable gentleman more highly than he did, and that was, to have first seen a petition presented by the East-India Company, praying that such a plan might be adopted. Had that been the case, he was persuaded the Company would have gladly contracted with the Pub-

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lic, and have agreed to serve them at the price stated in the calculation of the right honourable gentleman.

Mr. *Bamber Gascoyne* made a few observations on what Mr. Pitt had suggested — He pointed out the probability of persons who lived in houses, with only eight or nine windows stopping up two or three, in order to come within the tax imposed on the house within a smaller number. He also suggested the necessity of some regulation respecting the two Universities, the Inns of Court, and the Royal hospitals, in each of which, it was well known, considerable quantities of tea were consumed. Mr. Bamber Gascoyne.

Mr. *Baring* asked whether the drawback was to be allowed as heretofore upon teas exported; because, if that was not the case, the exportation of teas from Great Britain and Ireland, to Spain, Portugal, &c. would be very considerably affected, and foreign exporters of teas would be enabled to undersel us. Mr. Baring.

Mr. Alderman *Newnham* said, he rose to give the Chancellor of the Exchequer his tribute of applause for the plan he had that day proposed; he begged, however, to remind the right honourable gentleman, that there was in and about the metropolis, certain places where very large quantities of tea were consumed, much more than could be consumed in any private house, let it be ever so large—It would be necessary, therefore, to make some regulations with respect to those places. Another matter that struck him was, the houses of opulent farmers that paid no house duty; he saw no reason why this should be, but if the new tax was to be governed by the house duty it would certainly be the case. Mr. Alderman Newnham.

Mr. Chancellor *Pitt* rose to explain — He said all houses would pay three shillings at the lowest rate, and that this tax was not to be governed by the house tax. With regard to what had been mentioned by the honourable magistrate, of certain places near town where great quantities of tea were consumed, proper regulations respecting them would be put into the bill, either by additional licences to sell tea, or in some other way. Regulations would also be found in it, applicable to the Inns of Court, and the other buildings mentioned by another right honourable gentleman, with a variety of subordinate provisions that he had omitted to take notice of in his former speech. In answer to what had fallen from an honourable gentleman relative to drawbacks, he said, drawbacks would be allowed as usual. Mr. Chancellor Pitt.

Ld. Mahon

Lord *Mahon* took notice of what had been dropt by Mr. Eden respecting the quantity of tea in the possession of the foreign companies, and said, that however it might affect the immediate success of the measure, it shewed its importance and necessity, and proved his right honourable friend acted wisely, in endeavouring to knock smuggling on the head at one blow. [At this moment his Lordship inadvertently hit Mr. Pitt, who sat directly beneath him, a blow on the head, a circumstance which caused an immoderate fit of laughter.]

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, that the noble Lord had a peculiar right to speak on this subject, having originally suggested the reduction of duties as beneficial to the revenue.

Mr. Eden.

Mr. *Eden* said it was true, the noble Lord had first suggested the reduction of duties, but it was such a reduction as no man would follow, in the present state of the public finances. The reduction now brought forwards, was a reduction of high duties, accompanied and supplied by a substitution of new duties; the idea was not new in the memory of any man, but it had first been patronized by the late Chancellor of the Exchequer (Lord J. Cavendish) under whose auspices the late Revenue Committee had begun their enquiry.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* replied, that a mere reduction of duties was not quite so incompatible with the state of the revenue as the right honourable gentleman supposed, for his late noble predecessor had tried it in two instances with great success, especially in the coffee duties.

Mr. Sheridan.

Mr. *Sheridan* said, the credit of this plan was neither due to the noble Lord nor the right honourable gentleman, as he must well know himself, because he could not be ignorant, that Lord John Cavendish had it in his intention to do the very same thing; nay, had the right honourable gentleman asked for them, he would have given him two bills ready drawn upon the subject. Mr. Sheridan said farther, that it was not ingenuous in the right honourable gentleman to assume a merit which he must know did not belong to him, since he might have found traces of the bills alluded to in office.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* persisted in it that Lord Mahon ought to have the credit of having first mentioned, and meritoriously contended for the principle of raising the revenue, by lowering the duties of customs and excise, at a time when

such a suggestion was not remarkably well received — Mr. Pitt acknowledged, that he had heard that the last Administration had ideas in some degree correspondent to those he had that day had the honour to communicate to the Committee; but he declared, it was not till on Saturday last that he had heard it, and then from a gentleman, who said, he had delivered two papers upon the subject to a former Secretary of the Treasury, while in office, but that he had found it absolutely impossible to get those papers back again.

Mr. *Sheridan*, in reply, said, it was evident the papers he alluded to, and which certainly had been delivered to him, were of no very material importance, since the right honourable gentleman had not only never asked for them, but had been able to do so extremely well without them. Mr. Sheridan.

Sir *Peter Burrell* asked if gentlemen were to pay equally for their house in town and their house in the country? because as their family could not live in both at one and the same time, he thought it an oppression to make them pay a double composition for the duties on tea. Sir Peter Burrell.

Mr. Chancellor *Pitt* in answer, put an extreme case — Supposing a person had a house with 180 windows in it in the country, and a house with forty windows in town, he would pay twenty pounds new tax for the former, and seven pounds for the latter, and taking his consumption of tea at fifty persons in his family, he would save exactly forty-seven pounds, out of which he could surely afford to pay twenty-seven. Mr. Chancellor Pitt.

Mr. *Sheridan* said, to take an extreme case was not a fair way of answering the honourable Baronet's question. Mr. Sheridan.

Mr. Chancellor *Pitt* then put another case, of a more moderate sort, and stated, that there would be a saving even upon that. Mr. Chancellor Pitt.

Mr. *Hussey* said, if the plan could be carried into effect, he would be glad, and would give it his support; but he could not go with the right honourable gentleman in all his calculations. Mr. Hussey.

Mr. *Sheridan* asked, if the tax was meant to be compulsory? Mr. Sheridan.

Mr. Chancellor *Pitt* immediately answered, Undoubtedly it was. Mr. Chancellor Pitt.

Mr. *Dempster* was desirous of having it laid partly upon windows, and partly upon houses. Mr. Dempster stated, that in Holland every tax was optional, the tea tax especially, Mr. Dempster.

ally, each family taking out a licence to drink tea; and if convicted of drinking it without having taken out such licence, they were liable to a very severe penalty.

Mr. Jenkinson. Mr. *Jenkinson* admitted the fact to be as the honourable gentleman had stated it, and agreed, that in Holland, the taxes were optional, but he said that plan had never succeeded here. The plate tax was of that species, and every gentleman knew it produced such a mere trifle, that it was repealed as a profitless tax. Mr. Jenkinson said, the window tax was one of the most accurate we had, and the house tax one of the most inaccurate; to alter the new tax, therefore, as the honourable gentleman had proposed, would be to abandon a certainty for an uncertainty.

Some farther conversation then took place between Mr. Chancellor Pitt, Mr. Rolle, Lord Mahon, Lord Surrey, Mr. Sheridan, &c.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* moved, and it was resolved, That a duty of twelve pounds ten shillings *per centum, ad valorem*, be paid upon the importation of all Bohea tea into Great Britain.

Resolved, That a duty of twenty-five pounds *per centum, ad valorem*, be paid upon the importation of all Souchong and Pekoe tea into Great Britain.

Resolved, That a duty of thirty pounds *per centum, ad valorem*, be paid upon the importation of all Singlo tea into Great Britain.

Resolved, That a duty of fifteen pounds *per centum, ad valorem*, be paid upon the importation of all Hyson tea into Great Britain.

Resolved, That a duty of forty pounds *per centum, ad valorem*, be paid upon the importation of all Congou tea into Great Britain.

Resolved, That for and upon every dwelling house, inhabited, which now is, or hereafter shall be erected within the kingdom of Great Britain, having less than seven windows or lights, and which is now subject to the duty of three shillings, there shall be charged the additional yearly sum of three shillings.

7 windows, the additional yearly sum of six shillings.
8 windows, eight shillings.
9 windows, ten shillings and sixpence.
10 windows, thirteen shillings.
11 windows, fifteen shillings and sixpence.
12 windows, eighteen shillings.

13 windows, one pound one shilling.
14 windows, one pound five shillings.
15 windows, one pound ten shillings.
16 windows, one pound fifteen shillings.
17 windows, two pounds.
18 windows, two pounds five shillings.
19 windows, two pounds ten shillings.
20 windows, two pounds fifteen shillings.
21 windows, three pounds.
22 windows, three pounds five shillings.
23 windows, three pounds ten shillings.
24 windows, three pounds fifteen shillings.
25 windows, or not more than 29, four pounds.
30 windows, and not more than 34, four pounds ten shillings.
35 windows, and not more than 39, five pounds.
40 windows, and not more than 44, five pounds ten shillings.
45 windows, and not more than 49, six pounds.
50 windows, and not more than 54, six pounds ten shillings.
55 windows, and not more than 59, seven pounds.
60 windows, and not more than 64, seven pounds ten shillings.
65 windows, and not more than 69, eight pounds.
70 windows, and not more than 74, eight pounds ten shillings.
75 windows, and not more than 79, nine pounds.
80 windows, and not more than 84, nine pounds ten shillings.
85 windows, and not more than 89, ten pounds.
90 windows, and not more than 94, ten pounds ten shillings.
95 windows, and not more than 99, eleven pounds.
100 windows, and not more than 109, twelve pounds.
110 windows, and not more than 119, thirteen pounds.
120 windows, and not more than 129, fourteen pounds.
130 windows, and not more than 139, fifteen pounds.
140 windows, and not more than 149, sixteen pounds.
150 windows, and not more than 159, seventeen pounds.
160 windows, and not more than 169, eighteen pounds.
170 windows, and not more than 179, nineteen pounds.
180 windows, and upwards, twenty pounds.

Ordered,

Ordered, That a bill or bills be brought in, upon the said resolutions; and that Mr. Gilbert, Mr. Chancellor of the Exchequer, Mr. Buller, the Marquis of Graham, Mr. Edward-James Eliot, Mr. Aubrey, Mr. Attorney General, Mr. Solicitor General, Mr. Steele, and Mr. Rose, do prepare and bring in the same.

June 22.

Mr. Eden. Mr. *Eden*, as Chairman of the Select Committee appointed to examine into the Reports of the Directors of the East-India Company, delivered a Report on the statement presented to the House by the Directors of the Company. It was ordered to be printed.

June 23.

A short conversation took place relative to the purchase of Sir Gregory Page Turner's house.

Mr. Dempster. Mr. *Dempster*, agreeable to his notice, rose to bring under the consideration of the House the situation of this country in relation to its finances, and, he said, he would do it in as few words as possible. In order to be concise, he would even run the risque of being obscure, as he hoped he needed only to state what our condition really was, to incite the House to proceed as soon as possible to take such measures for the national relief, as to their wisdom should appear proper. Our funded debt he stated at two hundred and thirty millions; and our unfunded debt he calculated would amount to thirty millions, without the bottom of the war expences being wound up, besides nine millions navy bills, and other debts, that would make the whole amount to two hundred and ninety millions; the yearly interest of which would take fourteen millions to discharge: now our national estate, including malt and land tax, and the whole of the sinking fund, amounted only to thirteen millions two hundred thousand pounds; so that there would remain eight hundred thousand pounds to be provided annually to make good the interest. This was a very serious situation, and such as must give every friend to his country great pain to observe; but at the same time it was highly necessary that some means or other should be suggested and taken, in order to extricate us from the difficulties in which our present circumstances involved us. One way of lightening our burdens certainly was, by reducing our

our peace establishment even lower than they stood at the beginning of the war. To such a position he had not the smallest objection; but still something more must be done, to give the country effectual relief, which could only arise from paying off a part of the national debt. He wished therefore to call the attention of the House to that point, and to shew them how much might be done by the application of a single million yearly. According to a calculation made by that accurate calculator, Dr. Price, it appeared, that by the laying bye of a million annually, and sacredly and religiously applying it to paying off a part of the national debt, provided the three per cents. were changed to four per cents. (which were much more easily paid off than the three per cents.) two hundred and sixty-seven millions might be paid off in sixty years; so that His present Majesty, (if his life lasted to about the same length that many of his ancestors had lived to) would in his lifetime have the comfort of seeing his People relieved from all the burdens and expences brought upon them by the American war; and the Heir Apparent, whose reign it was to be hoped would be a long one, would live to see the whole of the debt cleared. Mr. Dempster said farther, that according to the calculations of Baron Mazeres, it appeared, that if the plan of laying bye a million a year, was adopted and pursued for twenty years, and the country was then under the necessity of desisting from it, that those twenty millions, with the money provided to pay the interest of that part of the national debt, that was paid off from time to time, appropriated to the same purpose, would in fifty-seven years discharge the debt. Mr. Dempster quoted the authority of Mr. Sinclair, in corroboration of his argument, declaring, that Mr. Sinclair had very sensibly and clearly shewn in his book what might be done by putting in practice such a scheme as he had mentioned — He said farther, that in order to carry the plan into effect, Commissioners ought to be speedily appointed: he would not then move for such a Committee, but if no Minister did in the course of the next session, insignificant as he was, he would himself make such a motion — The sooner it was done the better, and he believed it was in the power of the right honourable Chancellor of the Exchequer to begin it even that year, for the East-India Company already stood indebted to the Public a million; let that million therefore be taken as a beginning, and let the system be regularly pursued —

Mr. Dempſter enlarged on the neceſſity for doing ſomething, and declared every ſyllable he had ſaid proceeded ſolely from the ſincere wiſh he had to ſee the country extricated from its difficulties — He had no other motive than to prepare the minds of the Public to bear the heavy new taxes that he feared muſt be impoſed on them, by ſhewing them that they were unavoidable, and that if ſome plan was not immediately adopted for the diminiſhing of the national debt, they could have no hope of being ever relieved from their burdens. He hoped, he ſaid, never to hear of a ſponge, as the only means of paying off the national debt; every man in the country ought to take the laſt ſhilling out of his pocket, ſooner than ſuffer ſnch a ſtab to the credit, and ſuch a diſgrace to the honour of Great Britain. Having ſaid thus much, he would ſpeak more immediately to a motion he meant to make before he ſat down, and that was, a motion for a Committee to be appointed to enquire into the ſtate of our fiſheries, and our commerce; he wiſhed alſo that the Committee might have power to extend its inquiries to our navigation. At preſent commerce was heavily burdened, through the clogs put upon our navigation, particularly in that part of the kingdom to which he more immediately belonged; there a veſſel could ſcarcely croſs a creek, without being put to as much expence and inconvenience for papers to warrant her ſailing, as if ſhe was clearing out for a long and extenſive voyage abroad. Mr. Dempſter pointed out the abſurdity of ſeveral of our cuſtom-houſe regulations, where, in reſpect to many commodities, a ſhipper who was about to ſend a cargo coaſtwiſe, was obliged to ſwear that he would not carry the cargo abroad, although if he had entered it for exportation, he would have been entitled to a drawback on the ſame identical commodity. In Scotland, however, the difficulties upon merchants and ſhippers of goods were infinitely greater, in conſequence of there not being at any of the Scotch cuſtom houſes any table of eſtabliſhed fees. Mr. Dempſter diſcuſſed theſe points a good deal, and at length, after making an apology for having taken up ſo much of the time of the Houſe, concluded with a motion for the appointment of a Committee to enquire into the ſtate of our fiſheries, navigation and commerce.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* ſaid, he truſted the ſtate of the country, in reſpect to its finance, was felt by them all, and felt by the country in general, ſufficiently to render it unneceſſary for

for him to say any thing by way of strengthening the impression; neither did any thing the honourable gentleman had said on that head require any very minute discussion at that moment. He gave his hearty assent to the disinterested motives claimed by the honourable gentleman for the conduct he had held that day; and he gave him likewise his hearty thanks for the manner in which he had brought the subject forward. It was most undoubtedly true, that, without finding a surplus for the Sinking Fund, it would be impossible for this country to look for relief; to the provision of that surplus his views had been directed from the first moment that he was able to consider a question of finance; and since additional taxes must unavoidably be laid on the Public, he trusted a general spirit would be shewn, and that the People were determined manfully to look their situation in the face, and cheerfully to bear those burdens, heavy as they unfortunately were, which the exigency of affairs rendered absolutely unavoidable. There was one assertion, however, made by the honourable gentleman, in which he could not concur, and that was, his assertion that the whole of the Sinking Fund was absorbed: it was true that the deficiencies of late years had been extremely large, and those deficiencies had been made good out of the Sinking Fund; but the Sinking Fund itself had been gradually improving and increasing for many years. This he thought necessary to declare, lest an idea might go abroad, that our situation was worse than it really was; and bad indeed should he have thought it, had the fact stood exactly as the honourable gentleman had stated it. With regard to the motion, he feared that in its present form it would open so extensive and boundless a field for inquiry, that it would operate against the purpose for which it was made, and serve only to rivet and fix on the minds of the Public additional proofs of the necessity for regulation and reform in a vast variety of important particulars, without enabling the House to take decisive measures respecting any one of them: he submitted it therefore to the honourable gentleman, whether, in their present situation, it would not be more prudent to narrow the ground of inquiry, and to select some particular object which might be investigated, and, respecting which, regulations might be provided even in the course of the present session. Many of the points to which the honourable gentleman had drawn the attention of the House, had been for some time under consideration, and the inquiries respecting several of them had proceeded so far, and were so near completion, that something was intended to be proposed upon them

very shortly. The burdens upon commerce, from Custom-house regulations in particular, had been, as it was well known, long under consideration; the fisheries therefore seemed to him to be the object which it would be proper to select for inquiry.

Mr. Dempster. Mr. *Dempster* rose again, and said, he had no objection, if it was the sense of the House, to alter his motion agreeably to the right honourable gentleman's intimation. Mr. Dempster said, he would not at that time enter into a premature debate upon finance, or, he flattered himself, he could shew, that his assertion respecting the Sinking Fund was well founded.

Mr. Hussey. Mr. *Hussey* said, he was glad his honourable friend had consented to alter his motion as the Chancellor of the Exchequer had advised, because, undoubtedly, had it gone so extensively as it stood at first, it would have been liable to objection. Mr. Hussey supported Mr. Dempster's assertion respecting the Sinking Fund, observing, that Mr. Dempster had obviously not meant that there was an end of the Sinking Fund, but that the whole of its produce had of late been applied in aid of the taxes provided to raise the money to pay the interest of the national debt. Mr. Hussey reasoned upon the necessity of paying off a part of that debt, as the only possible means of obtaining relief from our burdens. He approved of the idea of appointing a Committee for that purpose, declaring it would be extremely wrong to trust those with the management of the discharge of the debt, who had been instrumental in its accumulation. He threw out a hint, that one way to lessen the debt would be to lower the interest; this, he said, he was aware could not be done without the consent of the public creditors; but he hoped every body would concur in lending a hand to so necessary a work, and that the creditor would be willing to take less interest.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* rose immediately, and said, much as he thought the particular application to the consideration of all questions of finance, that distinguished the honourable gentleman who spoke last, deserved the applause and the thanks of that House and the country, and sincerely as he respected every opinion of that honourable gentleman on financial subjects, he could not suffer a single word to fall from that honourable gentleman, at which his feelings and his judgement revolted, without rising to take some notice of it. So far was he from according with the opinion just hinted by the honourable gentleman, that although he was

most

most sincerely anxious for the diminution and discharge of the national debt, he hoped a means of effecting those desirable purposes might be found, proceeding upon principles consistent not only with the national credit, in the technical sense of the word credit, but consistent likewise with the national honour; and that no idea of lowering the interest of the public creditor, or of consenting to lower it, even should the public creditor be willing to accede to such an alteration, would ever be entertained, much less proceeded upon.

Mr. *Hussey* declared Mr. Pitt had afforded him great pleasure, and assured that right honourable gentleman, that he had thrown out the hint with no other view, but that he (Mr. Pitt) might have an opportunity of saying what had fallen from him, so much he was convinced, to the satisfaction of every man who had heard him. Mr. Hussey.

The motion was amended as follows: "That a Committee be appointed to inquire into the state of the British fisheries, and into the most effectual means for their improvement, and report the same from time to time, with their opinions, to the House." It was then put and carried.

Mr. *Eden* moved for several lists to be prepared by the Board of Excise in London, respecting persons who pay duties for wheel carriages and servants, and also respecting the prosecutions of defaulters, viz. A list of persons who have paid the duty on carriages; a list of persons who have paid the duty on servants for 1781, 1782, and 1783; a list of persons who, having paid those duties up to 1783, have discontinued the same; and also a list of those against whom prosecutions have been raised. He apprised the House that, though motions nearly similar had passed unanimously in the late session, no return had been made by the Commissioners of Excise, and he much feared that the present motion would prove equally unsuccessful. Gentlemen were not, however, to infer, that the Board of Excise shewed any disrespect to the orders of the House; it would be a suspicion which was very unmerited. The truth was, that from the manner in which the accounts were kept, the General Office in London was unable to bring suddenly into an alphabetical arrangement, all the returns of the country collections. This perhaps was a defect in the system of managing these particular duties, which ought to be corrected. In the mean time, in repeating the motions of the Mr. Eden.

laft feffion, he marked his refpect to the late Revenue Committee, under whofe orders he had made the original motion; and he alfo had an opportunity of calling the attention of the Public to a flagrant and obvious failure in the payment of the duties alluded to: many frauds, to a great amount, had already been reported in the wheel-carriage duty; and as to the duty on male fervants, it feemed fufficient to remark, that in the whole kingdom, containing perhaps 7,000,000 of inhabitants, duties were paid for only 40,000 fervants.

Sir James Johnftone. Sir *James Johnftone* defired the right honourable gentleman to extend the motions to the Scotch Commiffioners alfo.

Mr. Eden. Mr. *Eden* thanked him for the hint; but faid, that in juftice to the Scotch Commiffioners he ought to have informed the Houfe, that the Scotch returns had been made regularly and alphabetically during the late feffion, and within three or four weeks after the order of the Houfe was given; perhaps this punctuality was to be attributed to the very fmall number of names included in the lifts; but he had not yet had time to examine that circumftance.

The motions then paffed.

Capt. John Luttrell. Captain *John Luttrell* moved for 1600l. to be given to Mr. Philips for difcovering the powder for killing infects aboard of fhips. He ftated all the teftimonials in favour of the difcovery; the reward heretofore voted; the lingering expectation in which the poor man had been kept when that reward was fufpended in the Houfe of Lords; and moved to refer the report to the Committee of Supply.

Mr. Eden feconded the motion, and a fhort debate took place; after which the report was ordered to be re-committed.

Mr. Eden. Mr. *Eden* called the attention of the Houfe to the bill for extinguifhing the claims made by the rope and foap manufactories of Glafgow from cuftoms and duties, and for making compenfation in lieu thereof: he faid that he had fatisfied himfelf of its intrinfic propriety; but it would be a neglect of duty not to obferve, that there was a great defect in the conduct of it; the bill was founded upon the Report of a Committee, and purported to give a fpecific fum in compenfation of the claim; and yet in that Report there was no ftatement of accounts, nor any circumftance to guide the judgement of the Houfe as to any fum from 400l. to 40,000l.

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The *Lord Advocate* ſaid, he was happy the right honourable gentleman was ſatisfied of the propriety of the bill, becauſe he had originally oppoſed it with an intimation which the mover of the bill had not merited. His Lordſhip then ſtated the nature of the claim, its extent and importance, the doubts of the Judges reſpecting it, and the reaſonableneſs of the ſum propoſed to be given. The Lord Advocate.

Mr. *Eden* replied, that the propriety of voting the ſpecific ſum of 4500l. was as much unexplained as ever; having, however, entered his caveat againſt this mode of proceeding, he was ſatisfied in this inſtance to give his confidence to Government, and to thoſe who introduced the bill. As to the intimation of which the learned Lord complained, he would repeat, that when a learned Lord, a few days after taking his ſeat for Glaſgow, moved a bill to give 4500l. to Glaſgow, in compenſation of an unſettled claim, he thought it merited notice; more eſpecially, as other Scotch claims, the abolition of which had been ſtrongly recommended by the Revenue Committee, were ſuffered to remain untouched. Mr. Eden.

Mr. *Dundas* now explained the whole buſineſs at length, and ſhewed, that the ſum demanded was peculiarly reaſonable. Mr. Dundas.

Mr. *Eden* replied, that all his doubts had been removed by ſuch good evidence; but it ſerved to ſhew, that farther evidence had been wanting. Mr. Eden.

Sir *James Johnſtone* ſaid, he rejoiced in this matter being ſettled ſo well, as he muſt confeſs, that ſuch a motion from the repreſentative of Glaſgow had had an ugly appearance, and he had determined to vote againſt it. Sir James Johnſtone.

The bill then went through the Committee.

June 24.

The Houſe went into a Committee on the bill for enabling Sir Aſhton Lever to ſell his Muſeum by Lottery, Mr. Stanley in the chair — Mr. Gaſcoyne, jun. under whoſe patronage the bill was introduced, undertook the office of moving the different particulars, with which the blanks were to be filled up.

The Earl of *Surrey* thinking the ſum of forty-two thouſand pounds at which the Muſeum had been eſtimated, was more than it was really worth; and apprehenſive that the Public The Earl of Surrey.

Public might be induced to think that it was really worth forty-two thousand pounds, if Parliament was to give its sanction to the raising of such a sum by forty thousand tickets at one guinea a ticket; moved, that the blank for the sum to be raised, be filled up with the words twenty-one thousand pounds.

Mr. Gascoyne, jun. Mr. *Gascoyne*, jun. did not apprehend that the House, by filling up the blank with the words forty-two thousand pounds, would give the Public any opinion whatever of the real value of the Museum; all that was meant, was to restrain Sir Ashton from raising more than forty-two thousand pounds, but he would be at liberty to raise as much under as he could; so that he might, if he should find it necessary, reduce either the number or the price of tickets. After some little conversation, the motion made by the Earl of Surrey was negatived without a division — His Lordship next moved, that the blank be filled up with the words thirty-one thousand five hundred pounds, and upon this motion the Committee divided;

Ayes, - - - - - -	36
Noes, - - - - - -	42
Majority, - - - - - - -	6

The blank was then filled up on the motion of Mr. Gascoyne, jun. with the original sum, forty-two thousand pounds. By a clause in the bill, the Museum is to be vested in trustees, for the benefit of the fortunate adventurers in the Lottery. Some farther conversation took place on the bill.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* called the attention of the House to an important part of the business of the East-India Company; a state of the Company's finances had been laid before the House, and referred to a Committee, whose Report was now printing for the use of members: until gentlemen should have had time to consider that Report attentively, he did not mean to bring any question before them relative to the Company; but a circumstance which had come to his knowledge that day, made it necessary for him to make a motion to which, however, he did not expect any opposition. By a late act of Parliament the Company were restrained, when their bond debt exceeded a certain sum, which it did at present, from making any dividend at all without the leave of Parliament; now he understood, that if any dividend was made, it must be declared before the end of the present month: gentlemen would see, therefore, the necessity of passing a bill with all possible

possible expedition, to give the Company leave to make a dividend; for though, perhaps, some gentlemen might differ as to the *quantum* of the dividend, no man could wish that there should be no dividend at all: for his part, considering that the credit of the Company, and perhaps of something more than the Company, was at stake, he, for one, would be for making that dividend eight per cent. for the half year now due, however it might be the intention of the House to reduce it in future. He then moved for leave to bring in a bill for enabling the East-India Company to make a dividend for this last half year.

Mr. *Eden* felt the aukwardness of the present circumstances of the case; for one of these two things must happen, that no dividend at all must be made, or that the House should proceed, without having before them the state of the Company's affairs, to the *quantum* of a dividend: if the occasion was not so pressing, the delay of a few days would give gentlemen time to peruse the Report of the Committee, to whom the accounts presented by the Court of Directors had been referred. As to the idea of allowing eight per cent. in the present state of the Company's affairs, he thought it very unreasonable; for it was strange indeed, that the proprietors should in the most embarassed state of their affairs, divide as much as in a moment of prosperity. For his own part, he had been of opinion for some time past, that even six per cent. was a stretch; but as he knew there were a number of proprietors totally unconnected with party, and of moderate fortunes, he would not punish them for the faults of others; and therefore he was willing to allow six per cent.; but he could not consent to stretch the dividend to eight. Mr. Eden.

Mr. Chancellor *Pitt* expressed a wish that the right honourable gentleman would not urge this discussion farther in the present stage of the bill; it would of course be tendered to the House with a blank for the proposed sum; and he certainly felt disposed, until the affairs of the Company could be considered, to give the ordinary dividend, as he might otherwise seem to prejudge opinions on the affairs of the Company, and to strike at public credit. Mr. Chancellor Pitt.

Mr. *Eden* observed, in explanation, that what had fallen from the right honourable gentleman and from himself might mislead both the House and the Public, if he did not apprize them that eight per cent. was by no means the ordinary dividend, or to be considered as a claim of justice: — the reverse was the fact. — In times confessedly prosperous, the Company had often divided only six per cent. During the last twenty Mr. Eden.

years he believed that their dividend had been oftner six per cent. than any other sum: and though it might be the disposition of the moment for the Public to shut their eyes on this subject, the day would come when there would not be two opinions in the kingdom as to the improvidence, injustice and impropriety of what was now proposed. It might be a small sum, but it was subversive of the most sacred public principles.

Mr. Dundas Mr. *Dundas* rose to deprecate the right honourable gentleman's going into any discussion of the state of the Company's affairs, the next day, any more than on the occasion then present. Till the day arrived, which the House had appointed for the consideration of the Report of the Select Committee, Mr. Dundas said, the subject could not be touched, without at the same time prejudging facts that ought not to be prejudged, and setting opinions afloat that ought not to be hazarded or delivered without good foundation, and without certainty. With regard to the mere question, whether the Company should be allowed to divide four per cent. or three on the last half year, if gentlemen would but reflect for a moment on what had occurred in that House but a very short time ago, there could not, he imagined, remain a single doubt how the House ought to decide. But a few months since, when the East-India bill, that had made so much noise in the world, and on the subject of which a great deal would undoubtedly be again said, when that bill was under discussion, was it out of the recollection of gentlemen, that it came from an high authority, no less authority than the mouth of Sir Henry Fletcher (at that time chairman of the Company) that notwithstanding the then supposed miserable condition of the Company's affairs, (they having been stated to be rapidly verging to a state of actual bankruptcy) their dividend ought not on any account to be less than eight per cent. for the ensuing year, and consequently that it ought not to be less than four per cent. for the then ensuing, but now past, half year. At that time no one Minister existing, nor any of their friends, rose up to contradict the position of the Chairman of the East-India Company. Had not the House, therefore, by their acquiescence in what Sir Henry Fletcher had said, given the Proprietors and the Public at large to imagine, that it was their unanimous opinion, that eight per cent. even under the then supposed sinking state of the Company's affairs, was the dividend that ought to be made, and that the Company would be allowed to make? And would the House now, when the state of the Company's affairs was somewhat better known, when

when no man, even he or they, who might be inclined to think the worst of their condition, would pretend that the Company was in any danger of bankruptcy, baulk the public expectation, disappoint the Proprietors, and defeat those hopes which the House had been instrumental in raising, by refusing its consent to a proposition for allowing the Company to divide after the rate of eight per cent.? The question, Mr. Dundas said, was very different from a question of what the Company should be allowed to divide in future; that, indeed, was a question that would necessarily depend on the result of the deliberations the House meant to hold upon the Report that was printing, and which ought not only to be in gentlemen's hands, but in their minds, before they decided upon it. The question now was, whether the Company should be permitted to make a dividend of four per cent. upon the past half year, and the circumstance he had stated, considered, he saw no way whatever in which the House could refuse its consent to the Company's making such a dividend, without departing from every principle of consistency, and even of common justice. With regard to the amount of the money to be divided, if a four-per-cent. dividend was permitted, it was a drop of water in a bucket, compared to the accounts in controversy between the East-India Company and those who stated their affairs to be bad. It was not, therefore, in that point of view an object of consideration, even had there not existed the strong reason he had mentioned for allowing a dividend of four per cent. Mr. Dundas concluded with repeating his appeal to the House in general to beware of the delicacy of the present situation of the Company, and by no means, either then or the next day, to enter into a debate on the state of the Company's affairs before they could have the printed Report in their possession, from which alone they could be enabled to form a judgement.

Mr. *Smith* (Chairman of the Company) stated the great inconvenience, and even the possible mischief that might result from the House's refusing its consent to the Company's making a dividend of four per cent. upon the last half year. He said, not only the Proprietors in this country might take an alarm at hearing that the dividend which they had been taught by Parliament itself to expect would be four per cent. was to be no more than three per cent. Mr. Smith.

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but that it might get over to Holland, and be productive of consequences not only fatal to the credit of the East-India Company, but fatal to the national credit of Great Britain. He hoped, therefore, such an opinion would not be entertained.

Mr. Anstruther. Mr. *Anstruther* corroborated the arguments of Mr. Eden, and stated the impossibility of the House's giving its consent to the Company's making a dividend of four per cent. while the consideration of the state of the Company's affairs was pending (and their affairs on all hands were allowed to be greatly involved) unless the House forgot its duty, and abandoned all pretensions to the character of guardians of the public interests of the kingdom — Mr. Anstruther said, that though it was possible the Company's affairs might turn out more prosperous than some gentlemen had imagined, yet it was equally possible that they would appear to be far from flourishing—Would the House, then, run the risque of declaring a larger dividend than the state of the Company's affairs should hereafter be really found to warrant?

Maj. Scott. Major *Scott* said, the learned gentleman and he had often fought on the same side, and acted as friends of the East-India Company, and he hoped they should continue to support that character: he wished, however, no debate whatever had taken place on the present occasion, because he feared that even the little that had been said might do infinite mischief. With regard to the Report of the Committee, there had lately arrived dispatches over land from Bengal, dated so late as the 7th of Frebruary, which, he understood, brought advices that went to the direct overturning of some of the calculations contained in the Report in question. When he said this, he meant no insinuation against the Committee; they had not the advices to which he referred before them, and consequently they could not be aware of the facts they contained; but those advices certainly threw a new light on the state of affairs of the Company, and overturned some of the reasoning to be found in the Report of the Committee — The Major thought it highly necessary that the dispaches he had mentioned should be before the House at the same time that they took the Report into their consideration; and, therefore, when the present question was disposed of, he should move that copies of them be laid upon the table. The Major observed farther, that eight per cent. had been the dividend allowed

for feveral years, and he knew not of any reafon why it fhould be lefs for the paft half year. He particularly dwelt on the Company's having been allowed to divide eight per cent. in the midft of a war with different Indian and European powers; and thought, that being the cafe, there could be no reafonable objection to their making a fimilar dividend now they were in a ftate of profound and univerfal peace.

Sir *James Johnftone* faid, the queftion was not now, whether the dividend of the Company, for the paft half year, fhould be three or four per cent? but whether leave fhould be given to bring in a bill. Sir James Johnftone.

Mr. *Dempfter* faid, he had no objection to the bringing in a bill to authorife even a dividend of four per cent. on the paft half year, provided the bill was fo drawn, as to place the refponfibility for making fuch a dividend on the Directors and the Company, by ftating, that the bill paffed under fuch peculiar circumftances as rendered it impoffible for Parliament to decide, whether the ftate of the Company's affairs warranted a dividend of four per cent. or not. Mr. Dempfter reminded the Houfe, that he had frequently remonftrated againft allowing the Company to make dividends of eight per cent. and even of lefs, from an opinion long fince formed, that the Company's affairs were not in that fort of condition which juftified fuch dividends. With regard to the thirty-one thoufand pounds that the dividend would amount to, undoubtedly it was a matter of fmall confideration in a cafe where fuch infinitely larger fums were the fubjects of difcuffion; fo much fo, that demurring to the dividend, merely upon the amount of it, reminded him of the old ludicrous ftory of a man who, after having loft thoufands at the gaming table, hefitated whether, by way of recovering his circumftances, he ought not to walk home inftead of paying a fhilling for a coach to carry him thither. Mr. Dempfter.

Mr. Chancellor *Pitt* affured Mr. Dempfter, that the bill was exactly drawn in the manner he had defcribed, and that in its preamble it expreffly ftated, that the Company were allowed to make a dividend of four per cent. or whatever the Houfe fhould think proper, Parliament not having had an opportunity of taking the ftate of their affairs into deliberation. Mr. Chancellor Pitt.

Mr. *Fox* faid, he had but lately come into the Houfe, but, from what he had heard of the fubject in debate, he Mr. Fox.

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learnt that the Company's being allowed to make a dividend of eight per cent. last year, was used as an argument why they ought to be allowed to make the same dividend now. He begged leave to say, that no good argument could be drawn from the Company's being allowed to make a dividend of eight per cent. last year. Let the House recollect the circumstances under which the Company had been last year allowed to make such a dividend — The bill had, from unavoidable, but well-known events, been brought in very late in the session; so late, that it was utterly impossible for the House to go into an examination of the state of the Company's affairs; and it had been at the same time declared, that for that reason, and for that reason only, the Company were allowed to divide after the rate of eight per cent.; but it had also been at the same time expressly declared, that their affairs should be brought under discussion very early in the next session. That promise had been faithfully kept; and therefore the case now and the case last year were not analagous. The state of the Company's affairs was, he hoped, intended to be examined in the course of the present session; till that examination was gone into and completed, it was impossible to say whether the Company ought to be allowed to divide four per cent. three per cent. one per cent. or any thing per cent. Let the House recollect the fraudulent accounts of the affairs of the Company that had been presented to them, and let them then ask themselves whether it was prudent, whether it was wise, whether it was consonant to public honesty, which he took to be the same thing as public credit, to permit the Company to make a dividend of four per cent. before that House was assured that the affairs of the Company were in a condition to justify their making such a dividend.

Mr. Fox agreed with Mr. Dundas, that the amount of the dividend was as a drop of water in the ocean, compared with the greater consideration of the Company's affairs in general; but, he said, it was the principle that he should contend for, and upon that should refuse his consent to a larger dividend than three per cent.

Mr. Atkinson.

Mr. *Atkinson* said, he could not, as an East-India Director, sit silent and hear the accounts of the state of the Company's affairs stigmatized with the term of fraudulent. It was his duty to controvert and deny so foul an imputation, an imputation that had no foundation whatever. Mr. Atkinson

kinson said farther, that although he had seen the Report of the Committee, in common with his brother Directors, he was not bold enough, from such a slight view of it, to venture to controvert the whole of it; but he had every reason to believe, that when it came to be examined and discussed, much of the argument it contained would be found to proceed from misconception and error, from false facts being stated, from conclusions that were inapplicable being drawn from other facts, and from opinions being hazarded upon matters that men might vary in their sentiments upon, and respecting which matters, as they related to events to happen in future, no correct judgement could be formed till the events themselves took place, and decided between those who had thought differently upon the probable issue of those events. There was nothing, however, in that Report, that went to shake the credibility of the accounts of the state of the Company, that had been presented, or that would be found to prove those accounts to be other than substantially just and true.

The question was here put and agreed to; after which the bill was brought in, and read a first and a second time— It was then moved "That it be committed for the next day." It was ordered accordingly.

Maj. Scott. Major *Scott* next stated that dispatches had arrived by land from Bengal, containing a letter from the Governor General, dated so low down as Frebruary 7, and stating the accounts of the Company's affairs in India, made up to the end of December, with an estimate of all the expences of the establishments there for five months forward. This the Major thought highly necessary to be upon the table for the information of the House, at the time they took the Report of the Committee into their consideration. He therefore moved for "A copy of a letter dated the 7th of February, 1784.".—He next moved, "That the said papers be printed."

Mr. Dundas. Mr. *Dundas* expressed some fear, lest the papers should be of such length as to be so long in printing that they would not be got ready to deliver to the members in time for them to make themselves fully masters of the contents before the day for taking the Report into consideration should arrive.

Maj. Scott. Major *Scott* said, he had a copy of the papers he had moved for in his hand, and shewed that it might be printed in a few hours.

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The motion was agreed to.

Major Scott next moved for "A copy of the Governor "General's letter to the Directors of the East-India Com- "pany of the 16th of December, 1783;" which was likewise agreed to.

June 25.

The order of the day was read on the House going into a Committee on the bill to allow the East-India Company to make a dividend, and it was moved "That the Speaker do "leave the chair."

Mr. Eden. Mr. *Eden* said, that he continued to feel objections to this bill; but as it was his object rather to enter his own protest, than give an unavailing obstruction to what would ultimately have the support of a majority, he would be content to state, what occurred to him in the present stage of the business, and decline any discussion in the farther progress of it. Exclusive of defects in the general principle of the measure, he must observe, that the whole frame of the bill was exceptionable; it recited a doubt, whether the Company could make a dividend without the consent of Parliament—No such doubts existed; happily, they were precluded by repeated and positive statutes—The next recital of the bill was, that public credit was concerned in the proposed dividend; he trusted, that public credit rested on broader and more solid foundations than on the dividends of the East-India Proprietors: to remedy this doubt, which did not exist, and to save the public credit, which was not concerned, the bill proceeded to its enacting clause—Previously, however, it was added in the recital, that the consideration of the state of the Company's affairs was not yet sufficiently before Parliament, and therefore, because Parliament was yet unable to decide what ought to be the dividend, the bill proceeded to authorise the Company specifically to take four per cent. for the current half year. Such were the several premises, and such the conclusion! But he did not wish to rest his objections on points of criticism and legal arrangement, however well founded. He would assume, that the measure arose from an anxiety not to prejudge constructively the situation of the Company, by lowering their dividend upon the mere presenting of the Report of the East-India Committee, and before that Report had undergone the discussion of Parliament. If the House had no information before them but the

the Report to which he alluded; he allowed that this defence of the measure would be decisive; but it must not be forgotten, that there had been several weeks before Parliament, two Reports from the Directors of the Company; and, without entering into any dispute respecting the wretched detail exhibited in those Reports, he would only observe, that the Reports expressly avowed an inability to pay the customs to the public revenue, to the amount of nine hundred thousand pounds, and an inability also to pay bills on the Company, to the amount of one million four hundred thousand pounds, which bills were drawn for money specifically lent to purchase merchandise for the Company: that very merchandise was now arrived in England, and this clause was to enable the Proprietors to divide the money resulting from the sale of it, though that money was notoriously the property of others. Perhaps a large commercial body like this Company, were intitled to be treated with a degree of tenderness; perhaps the innocent families of many of the proprietors, especially the foreign proprietors, were intitled to as much protection as the House could give; but there were immutable and stubborn principles of justice, and to talk of commercial credit as distinct or distinguishable from fair dealing and good faith, was unworthy the character of this country. Gentlemen had said, it was only a small sum which was asked, a drop of water in the sea; he would only observe on this, that the nature of a theft was not varied because the sum stolen was not large. If it were replied to him, that the proprietors might have some claim for four per cent. during the current half year as it was possible that they had not foreseen the known circumstances of the present moment; this might have some little weight. He had no wish to push his own sentiments to rigour against any man or set of men; and though he would not impede the farther progress of the bill, he desired to be considered as of opinion against it in all its parts.

Mr. Gilbert then took the Chair in the Committee, when

Mr. Chancellor *Pitt* rose and said, that though the right honourable gentleman had not stated arguments which weighed sufficiently on his mind to change his opinion, as to the propriety and expediency of giving a dividend, at the rate of eight per cent. per annum for the present half year, and until the Report of the Committee could be duly discussed he felt perfectly disposed to adopt any suggestion Mr. Chancellor Pitt.

which might remove objections as to the framing of the bill. With respect to the recital, he confessed that in his own mind he had no doubts about the law at present in force to restrain the dividends to the Company; but having heard others treat it doubtfully, the expression had not struck him as improper. As to the words "pubic credit," in the recital, he would admit that they were exceptionable, and would consent to change them to the words "credit of the "Company:" and with respect to the right honourable gentleman's principal objection to the words authorising a dividend "equal to four per cent. for the half year," he did not think that they differed materially from the words "not "exceeding four per cent;" if, however, the latter expression would be less unsatisfactory, he would not object to admitting it.

Mr. Hussey. Mr. *Hussy* thanked the right honourable gentleman for his candour, and said, that he should have had great objections to the present measure, if it had appeared that there was time to examine the Report of the East-India Committee previously, and before it should be necessary to declare the dividend in the quarterly court.

Mr. Eden. Mr. *Eden*, in answer to the Chancellor of the Exchequer, said, it now appearing to be the general sense of the House, that no doubts existed respecting the law on the subject, he felt much fortified in objecting to that clause, and must intreat to have it omitted; and with regard to the authorising the Directors to make a dividend not exceeding four per cent. it surely was very different from an express permission to make a dividend equal to four per cent. The former expression left a responsibility with the Directors and the Company; and the responsibility ought to rest with them, if it was the sense of the House that Parliament was not yet sufficiently informed to decide. He added, that a dividend of four per cent. for the half year, would subject the Company to pay for the victualling and stores of the King's ships, there being an act of Parliament for that purpose.

A conversation here arose across the table, between Mr. Pitt, Mr. Dundas, and Mr. Eden, when the alterations described above were admitted; and the bill was afterwards reported, engrossed, and passed.

The order of the day for the House to resolve itself into a Committee of Supply having been read, and the several army

army eſtimates relative to half pay that had been preſented, were referred to the conſideration of the Committee, when

Lord *Beauchamp* roſe, declaring he had a ſingle point to ſubmit to the attention of the Houſe, and conceived that to be the proper time for mentioning it — His Lordſhip then ſtated the extreme hardſhip incurred by the officers of four regiments lately reduced — Thoſe regiments, he ſaid, it had been generally underſtood were not intended to be reduced; and in conſequence of that ſuppoſition, gentlemen had exchanged out of other regiments and purchaſed commiſſions in them — At the ſame time that he ſaid this, he begged not to be underſtood as in any the ſmalleſt degree calling the meaſure of their reduction into queſtion, or impeaching the exerciſe of the Royal prerogative in that inſtance. Certainly the Crown ought to be left in full poſſeſſion of its undoubted prerogative in all caſes whatſoever reſpecting the army and navy, and as clearly there was no ground for reprehenſion of Government for having, through a laudable zeal for œconomy, endeavoured to lower the amount of the public expenditure by the reduction of the four regiments in queſtion. The officers of thoſe regiments, therefore, had no right to call upon the juſtice of the Houſe for relief; but when their long and meritorious ſervices were conſidered, when the error they had been led into reſpecting the certainty of their regiments being continued on the eſtabliſhment was taken into the caſe, the candour and fairneſs of gentlemen would admit, that the officers ſtood within the equity of Parliament, and that it was not an unreaſonable expectation on their part to hope that ſomething might be done in their favour. His Lordſhip ſaid, that no man could be more ſenſible than he was of the extreme diſadvantage a private individual muſt labour under, who interfered ſo far with the executive Government, as to take upon himſelf the taſk of making any propoſition relative to any of the neceſſary public ſervices; but conſcious as he was, of the delicacy of ſuch an interference, admitting that it was the peculiar prerogative of the Crown to diſpoſe of every thing relative to the army, and that the Crown was the conſtitutional fountain of grace and honour, and believing that Government meant and wiſhed to do every thing by the Public on that head that was conſiſtent with their duty and becoming their ſtation, he could not ſo far give up his privilege as a member of Parliament, and as one of the repre-

Lord Beauchamp.

ſentatives of the People, whoſe peculiar office and function it was to guard the public purſe, and regulate every thing that bore relation to the public expenditure, as to refrain from bringing the caſe of the officers of the four regiments to which he had alluded, before the Houſe; and ſince their meritorious ſervices, added to the other circumſtances that he had touched upon, appeared to him to intitle them to the equitable conſideration of Government, he could not help looking to the right honourable gentleman oppoſite to him with ſome degree of hope that he ſhould hear Government had it in intention to do ſomething for them.

The Secretary at War. The *Secretary at War* (Sir George Yonge) ſaid, with regard to the meritorious ſervices of the officers of the four regiments alluded to by the noble Lord, he was ready to give his full aſſent to every idea of that kind ſuggeſted by the noble Lord, and he could with ſafety ſay, that as far as meritorious ſervices intitled officers to the countenance and conſideration of Government, no officers had a ſtronger claim than thoſe in queſtion: what he roſe principally for, was, to take notice of one or two points which the noble Lord had touched upon—The noble Lord had ſaid, that it had been underſtood the four regiments, reſpecting which he had addreſſed the Houſe, were not intended to be reduced—In anſwer to this, it was incumbent upon him to obſerve, that the ſcheme of their reduction was not the ſcheme of the preſent Adminiſtration: perhaps had he had the honour to be in office at the time when the reduction was propoſed he ſhould have been the propoſer; but the fact was, it was propoſed during the exiſtence of another Adminiſtration before Chriſtmas—At that time the Houſe adopted the idea, and having thus given their opinion upon it, the preſent Adminiſtration, had they entertained different ſentiments upon the ſubject, would have held themſelves bound to obey the ſenſe of Parliament, and carry every meaſure into execution that had received their ſanction. With regard to what the noble Lord had ſaid, that the Crown was the fountain of grace and favour, it was undoubtedly true, and rewards for meritorious ſervices could not flow from a purer channel; he had no doubt, therefore, but if the caſe of the officers in queſtion did appear to be ſo ſingularly hard as to furniſh a ſtrong claim to the particular notice of Government, their claim would not eſcape due attention.

General

General *Burgoyne* rose in consequence of what had fallen from Sir George Yonge, relative to the reduction of these regiments having been proposed by the late Ministry. The General said, the fact was undoubtedly so; but he reminded the House, that he had himself risen at the time that the idea of reducing them was suggested, and pleaded what was and must be universally admitted, viz. their long and meritorious services, and the singular hardship of their case; and in consequence of what he had said upon the occasion, intimation had been given to the House that those matters would undoubtedly be in the contemplation of Government, and some expedient should be found to do their merit justice. General Burgoyne.

Mr. Chancellor *Pitt* corroborated what had fallen from the Secretary at War, and declared the present Government, in the instance in question, had done no more than comply with the sentiments of that House expressly declared; a duty, which they not only had considered as indispensable in the case in discussion, but which they should never think themselves warranted to depart from in any given case, unless a necessity more than ordinarily urgent, and sufficiently strong to amount to an ample justification of their adopting another line of conduct, should arise. If it could be made appear that the general idea, that the four regiments would not be reduced, had so far prevailed, that officers actually had exchanged, and purchased commissions in those regiments, there certainly was a degree of hardship in the case, that must necessarily make its impression on the feelings of every gentleman present; but sensible as the House must be of that hardship, he hoped no impression, however strong, of the compassionate situation of any individuals, however deserving, would be admitted to operate in contravention of those public principles, the House might have laid down as the rules of its conduct, in the disposal of any one branch of the annual expenditure either of the army or any other service. As far as was compatible with those principles, no man could be more willing than he should be to bend to the compassionate case of any officers whose services had been long and meritorious, as the services of the officers in question were on all hands admitted to have been; but beyond a compatibility with those principles he was not inclined to go. Reports, he said, had been circulated that he could not but consider as reports both false in themselves and in- Mr. Chancellor Pitt.

jurious to the last Administration; he was extremely sorry, that neither the right honourable gentleman who acted as the Minister in that House before Christmas, nor the right honourable gentleman who had immediately filled the office of Secretary at War, was present, to give the House any information on the subject; but reports had, undoubtedly, been in circulation, as many gentlemen knew, which stated, that the late Administration, though they proposed the reduction of the four regiments in question to that House, had signified to the officers, that it was not their intention to reduce them, and that some expedient should be found to continue them on the establishment. This he could not believe, because, the late Ministry had taken credit to themselves for the reduction of those four regiments, and because, undoubtedly, if the regiments had been intended to have been continued, they could not have been continued by finding an expedient for such continuance, but the only means of continuing them must have been by presenting a separate and direct estimate of the expence to the House. Mr. Pitt said farther, that if the idea of not reducing them was so generally understood, it was a little remarkable, that the noble Lord, who had that day introduced the subject, had not said one word upon it, when their reduction had been proposed by the late Secretary at War. Before he concluded, Mr. Pitt said, it would rest with the House to act as they thought proper, but he wished them to recollect that if the officers of the four last reduced regiments were allowed their full pay, it would go a great way towards depriving the Public of the benefit resulting from the reduction of those regiments.

Lord Beauchamp. Lord *Beauchamp* desired that he might be permitted to say a word or two in explanation of his own conduct. The right honourable gentleman, he flattered himself, would do him the justice to admit, that he had not opened the business in a manner in the least degree invidious to the present Government. [Mr. Pitt said across the House, "certainly not."] He was a little surprised, therefore, at the observation, that he had said nothing upon the subject, when the reduction of the regiments was first talked of. If the right honourable gentleman had exerted his usual accuracy, he certainly would have recollected, that when the reduction was first talked of, it was expresly declared that it was not to take place till certain regiments, then

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in the East Indies, came home, and it was understood at the time, that they were likely to have continued in that quarter of the world much longer. The reduction, in fact, was a recent circumstance, and had only been put in execution a few weeks since; it was no wonder, therefore, that he had not said any thing upon the subject when the reduction was originally mentioned. With regard to the expence, his Lordship said, the whole expence of allowing the officers in question full pay, would amount only to seven thousand pounds a year; and surely that sum, when appropriated to the reward of long and meritorious services, was not large enough to create any great alarm, or to run violently counter to a laudable attention to public œconomy.

The Speaker after this left the chair, and the Secretary at War moved for

2,360,992l.	0s.	9d.	for the extraordinaries of the army.
75,116l.	18s.	6d.	for reduced officers.
563l.	12s.	10d.	for reduced horse guards.
130,3000l.	0s.	0d.	for reduced officers.
54,653l.	0s.	0d.	for British American forces.
3,544l.	14s.	3d.	for officers late in the service of the States General
17,000l.	4s.	0d.	for widows of officers.
,168l.	0s.	0d.	for widows of British American officers.
4246l.	11s.	0d.	for regiments sent from Ireland to Gibraltar.
10,524l.	17s.	4d.	for additionals to three regiments in 1783.
9821l.	15s.	6d.	for corps to their times of disbanding in 1783.
23,419l.	0s.	10½	for Hanoverian infantry.
6291l.	7s.	0d.	for the North American staff.

The above motions were severally agreed to.

A memorial and petition of the Council and Assembly of the island of Nevis, in behalf of themselves and the rest of the planters and inhabitants of the said island, was presented to the House, and read; setting forth, that the event of peace, amidst the general joy which it hath diffused, hath excited in the breasts of the petitioners sensations no less of gratitude than of happiness for the invaluable blessing it confers upon them in the restoration of their island to the British realms, and consequently in putting an

an end to the diſtreſſes and loſſes they have borne by their capture and detention in the enemy's hands for nearly two years; and that the petitioners, in contemplating the happy conſequences of peace, have not reſtrained their expectations from extending themſelves to the benefits of an open trade with America; for, being conſcious that their very exiſtence, as a ſugar colony, depends on ſuch an indulgence, they flattered themſelves that Government would become ſenſible of their ſituation, it being not peculiar to them alone, but common to all the leeward ſugar iſlands; they therefore hoped that no obſtacle would ariſe to their intercourſe with a country, which, from its local and other natural advantages, hath afforded the only poſſible means of carrying on the cultivation of thoſe iſlands, and without the continued aſſiſtance of which thoſe iſlands muſt become ruinous to the proprietors of their lands, and uſeleſs burdens to the nation; and that they have never alarmed themſelves with the leaſt apprehenſion of Government's prohibiting their free communication with the United States of America from an idea of Nova Scotia and Canada's being competent to ſupply them, it being an indiſputable fact, that the uncultivated ſtate of the former province ſubjects it to almoſt an entire dependence for its ſupport on the more ſouthern and fruitful provinces; whilſt Canada, from its diſtance, and from its difficult, and indeed impracticable, navigation during ſix months of the year, cannot be regarded as a regular ſource of ſupplies; and that, being thus buoyed up with the hopes of renewing ſo neceſſary a trade, and foreſeeing in their own conceptions no probable impediment thereto, they have been the more ſurpriſed to hear that, in the period of their captivity, which withheld them from ſeeking and experiencing the clemency of Government, a misfortune which rather enhances than diminiſhes their title to favours, that, in the very inſtant of ſuch their diſtreſſes, the iſland of Antigua hath availed herſelf of her more fortunate lot, and petitioned Government to be made a free port; and that, if ſuch an indulgence be granted to Antigua, and if the other iſlands of the Leeward government be thereby excluded from a direct trade with America, it muſt ultimately end in their ruin; it would, through neceſſity, oblige the other iſlands to ſend to Antigua for proviſions and lumber at an enhanced expence, a meaſure ſeverely burdenſome to them, and beneficial to Antigua alone, as it

it would in no wise concur with the policy of Great Britain, should such be her object, to diminish American imports, such an exclusive indulgence to Antigua would also establish it as the only mart through which the other islands could procure a regular vent for their rum, and the profits of it, after deducting the heavy charge of freight, would be reduced to a value very inadequate to the labour and expence of distilling it; and these disadvantages, great in themselves, would be yet aggravated by unavoidable interruptions to the importation of supplies from Antigua, and that more especially in the hurricane months, when, from the dread of violent winds and the usually tempestuous weather, the trading vessels are mostly laid up, and scarcely any communication preserved betwixt the islands; no vessels, during that period of the year, can be hired, unless at the most exhorbitant prices, and, after all, the success of their voyage would be a very precarious dependence; but even at more favourable seasons, disappointments would too frequently occur, from the windward situation of Antigua, and from the calms and currents so prevalent in those seas; nay, the very coast of Antigua would increase the evil, as, from its natural disadvantages, all access to it is singularly difficult; weak, therefore, as are her natural pretensions to a free port, her eventual ones seem no less so; for, if exclusive privileges are to be granted to any one island for its particular benefit, at the expence and manifest injury of the rest, a regard to the sufferings and losses of those which have been captured in the course of the war would, no doubt, in justice and humanity, mark one of them as the fittest object of partiality; and that the petitioners, however, presume not to harbour a thought so injurious to the justice and impartiality of Government, as to apprehend the possibility of success to a petition from any one island, to the detriment of the rest, but having thus stated the dependence of these colonies on the continent of America, as well for the sale of their rum as for the necessary supplies of lumber and grain, with which neither Great Britain nor any of her territories can furnish them but upon the most ruinous terms, must also submit to the House, as a farther reasonable plea for thus approaching them, their present embarrassed situation, in consequence of heavy local taxes, additional duties on sugars in England, the reduced price of that article, and their late unfortunate crops; and

therefore, praying, that the House will take the premises into their most serious consideration, and grant them such relief as may seem meet.

Ordered, That the said petition do lie upon the table.

June 28.

The House went into a Committee on a bill for enabling all soldiers and sailors who have served in the army or navy since the first of April 1763, to exercise trades in corporate towns, without having previously obtained the freedoms of such towns.

Sir James Johnstone.

Sir *James Johnstone* observed, the benefits of such a bill ought in justice to be extended to all those who had borne arms in the service of the Public, and therefore he moved that the provisions of the bill be extended to all those who had served in the militia and fencible regiments, and have been honourably discharged. He spoke in a very audible voice, in order to draw the attention of gentlemen to his motion; for as he did not like to smuggle any thing through the House, so he did not wish that his motion should pass *sub silentio*: if therefore any one thought the motion improper, he had now a fair opportunity to oppose it.

Mr. Medley.

Mr. *Medley* was apprehensive that so many persons would acquire parochial settlements under this bill, that the parishes would not be able to bear the burdens that might fall upon them in consequence of it. The motion, as it was now worded, would take in substitutes, a class of men, who having served for hire, were not, in his opinion, entitled to the same indulgence as those who, torn from their families and fire-sides, had borne the fatigue and hardships of a military life; he therefore moved in amendment, "That between the words who, and have served "in the militia, be inserted the following words, 'having "been duly balloted;' and between the words served, and "in the militia, be inserted the following, 'in person.'"

Mr Robinson.

Mr. *Robinson* thought the substitutes very proper objects of national indulgence; and therefore he was of opinion that the amendment ought not to be admitted. However, finding the sense of the House went with the amendment, he did not persist in opposing it; and the amended motion passed without any farther debate.

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The House was then resumed, and Mr. Gilbert brought up the Report from the Committee of Supply, on the extraordinaries of the army.

The resolutions having been read once,

Colonel *Fitzpatrick* rose: he said he was very sorry that he had been absent from the House when a conversation took place on Friday last, relative to some regiments that were to be reduced. Had he been present, he would have given a flat contradiction to a report, to which he understood an allusion had been made, that though the plan of reduction which he had the honour to lay before Parliament, stated that only sixty-four regiments of infantry were to be kept on foot, some means would be contrived to keep up some more regiments, which were younger than the sixty-fourth. He could assure the House, that there was not a shadow of ground for any such report; and that the late Administration, in which he had the honour to fill a subordinate situation, never had it in contemplation, or in idea, to keep up a greater number of troops than had been voted by that House. With respect to the officers of those regiments, whose case had been mentioned on Friday last, he could also assure the House that no promise had been made to them by the late Administration, that they should continue to receive full pay, after the disbanding of their regiments; but at the same time he must, in justice to those gentlemen, say that he always thought their case merited some consideration; for it was certain that under an idea that the establishment at the end of this last war would be as great as the last peace establishment, when seventy one regiments were kept up, they had made their exchanges and purchases in those regiments now to be disbanded, as if they were not to be disbanded at all; and therefore, as they would probably suffer much injury to their private fortunes, he thought something ought to be done for them; and he was not singular in that opinion, for it was entertained by many gentlemen in the last session of Parliament, totally unconnected with the late Administration; and also by the late Commander in Chief, who, had that Administration lasted, would certainly have recommended their case to the consideration of the House. Out of office as he himself was now, it could not be expected that he should make any motion on that subject; but if any one else would take the lead, he would give him his hearty support. He

Colonel Fitzpatrick.

added, that His Majesty's late Ministers would undoubtedly have countenanced such a step; and when he had the mortification to communicate in his then official capacity, to those regiments, the disagreeable intelligence, that they were to be included in the list of regiments to be disbanded, it would have been great consolation to him to have had it in his power to hold out to meritorious officers a prospect of relief.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* said, that he had certainly alluded to the report mentioned by the right honourable gentleman (namely, that though the establishment laid before Parliament was for no more than sixty-four regiments of infantry, still means were to be contrived to keep up some more.) But though he mentioned that report, he did not say he believed it; on the contrary, he lamented that the right honourable gentleman was not present, in order that he might have an opportunity fully to contradict, as he had now done, a report so injurious to his friends: the House must now be satisfied, from what had fallen from the right honourable gentleman, that the public faith had not been pledged to the officers, whose case had been the subject of conversation on Friday, and that whatever claim they might have upon the humanity of the House, they had none upon its justice.

Here the matter rested. The resolutions of the report from the Committee were then read a second time, and agreed to by the House.

Mr. Wraxall. Mr. *Wraxall* begged leave to put a question to the Chancellor of the Exchequer, simply to ask, when he intended to bring in his bill for the better management of the concerns of the East-India Company — The right honourable gentleman must be thoroughly satisfied, that in the present posture of those affairs, procrastination and delay would probably be attended with the most serious consequences — Would the right honourable gentleman assure the House that we were at peace in India? He was sure he would not; for the latest advices from that country contained very alarming intelligence; that Tippoo Saib was still in arms in the Carnatic; and that the French had not complied with the late treaty of peace, at least not with the spirit of that treaty; for the accounts lately received from India stated, that four thousand European infantry, belonging to France, were at Pondicherry, a place no way calculated for a garrison or *place d'armes*, for the walls were mouldered away and the glacis

was

was thrown into the ditch; so that the only apparent motive the French could have for keeping so great a force in such a place, could only be, that they might be at hand to assist Tippoo Saib. But it was not from the native powers only, or from them and the French united, that danger was now to be apprehended; for though by the abilities, the exertions, and the energy of mind of Mr. Hastings, our possessions in India had been defended and preserved by a peace, still the divisions which prevailed between our own settlements might well alarm us for their safety.

On the very last day of the last session of Parliament, an honourable member, who was not in the present Parliament, (General Smith) had earnestly recommended it to the Chancellor of the Exchequer, to turn his thoughts without a moment's delay, to prevent the fatal consequences that might attend those divisions; he was very sorry to say, that those divisions were not healed; for though it might not be altogether generally known in that House, it was but too true, that Lord Macartney had actually refused to obey orders sent to him by Governor Hastings and the Supreme Council of Bengal—The House well knew that by repeated acts of Parliament, the Supreme Council had a superintending jurisdiction over all the British settlements in India, and that they are all bound to obey its orders; yet in spite of those acts of Parliament, Lord Macartney had positively refused to obey the orders he had received from Bengal: thus were Bengal and Madras at variance; and from that variance every thing was to be apprehended—The House, therefore, must see the absolute necessity of taking up the business, and passing an act to regulate the government of India. He wished, then, the right honourable gentleman would, without delay, produce his long-wished for bill by which the future government of India was to be established. He wished not that it should be a violent bill, like that which had overturned the late Administration, but that it should at once unite moderation with efficacy. It might be urged, he said, that as to the divisions which at present prevail between Bengal and Madras, there was no very pressing necessity on their account for bringing forward immediately a bill for the better government of these settlements, because the Court of Directors was at this moment vested with sufficient powers to heal those divisions—He admitted that the Directors had those powers; but torpid by nature, and lethargic by principle, they had not yet thought proper to call them forth, and bring them into action; for though they knew that the

dispute

dispute between Calcutta and Madras, might possibly endanger those possessions; and though they knew, that the disobedience of Lord Macartney to the orders of the Supreme Council, was contrary to law, they had not yet thought of recalling his Lordship; and by the neglect of their duty, they were accessaries to all the consequences of his Lordship's disobedience.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* replied, that as much of what must be done for the future government of India, and of the Company, would depend on the state of its finances; and as that state had been referred to a Committee of the House, to be there examined, it would not be expected that he should propose any system relative to India, until the Report of the Committee should have been thoroughly examined by the House; nor could it be said that he had been remiss or guilty of any unnecessary delay in the business, for very few days indeed had elapsed since the Committee had made a Report to the House, which Report the House had ordered to be printed, and it was only on this day that it had been delivered to the members — He did not conceive it would be proper for him to bring on the business of the East-India Company until gentlemen should have had time thoroughly to examine the Report and to read the Appendix annexed to it, which contained evidence very material to the question. So far, therefore, from thinking that there had been any unnecessary delay, that he must pray the House to put off for a few days, the consideration of the printed Report, which stood for to-morrow; for if he should go into the state of the Company's finances to-morrow, he feared he should not be able to go on Wednesday into the finances of the nation, which, according to notice, he intended to bring forward that day. He concluded by moving, "That the order for taking into "consideration on Tuesday the Reports on the state of the "East-India Company's affairs, be discharged, and that "a new order be made for taking the same into con-"sideration on Friday next." The motion passed without opposition.

Mr. Sheridan.

Mr. *Sheridan* begged leave to inform the right honourable gentleman, that the act for appointing Commissioners to take and state the public accounts would expire on Saturday se'nnight; and to ask him if he intended to bring in a bill for continuing a commission from which so much public advanvantage might be derived?

Mr. Chancellor *Pitt* replied, that it certainly was his intention to move for a bill to continue that commission; but,

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as the act now in force would not expire before Saturday fe'nnight, according to the honourable gentleman, but in his opinion not quite so soon; and as this was Monday, the honourable member and the House would see, that there would be time enough to pass a new act before the old should expire, though the former should not be brought in for some days to come.

This ended the business of the day, and the House adjourned at five o'clock.

June 30.

Mr. Martin — Mr. *Martin* made an apology for not turning out several Peers whom he saw seated under the gallery; he said it was very natural for Lords as well as Commons to feel themselves deeply interested in the great business that was this day to be brought before the House (the opening of the Budget) and he felt no inclination to shut them out on such a day, and the less so, because there had not been a debate of such mom nt in the Lords, as to induce him to put in execution the design he had formed of demanding admission to that part of the house of Lords, which was open to those Commoners who had the honour of being related to the Peerage: but he would have it understood, that this was the only thing that prevented him from enforcing the standing order for excluding strangers.

Mr. Dempster. — Mr. *Dempster* said, that a few days ago, wishing to get into the end of the House of Lords where the throne stands, he asked one of the doorkeepers whether he might not get in at that end? The answer was, " By no means, Sir." The cry of the House to Mr. Martin was, " Move, move;" upon which

Mr. Hammet. — Mr. *Hammet* rose, to request the honourable member would not move to enforce the order: he said, he understood the honourable member had received intimation, that the Lords intended to provide in their house, accommodation for the Peers of the Lower House—[Here was a loud laugh in every part of the House] Mr. Hammet said he possibly might have said something ridiculous, but he did not know what it was—[This raised a louder laugh than the former.]

Mr. *Martin* replied, that he had been informed, a noble Lord, a member of the Upper House, intended some time ago to move, that a gallery should be erected for the use of the members of the House of Commons; but no such motion had yet been made, nor could he guess why it had not—

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However, under all the circumstances, he wished the House would not press him this day, to move for enforcing the standing order.

It was a few minutes before five o'clock before Mr. Chancellor Pitt took his seat in the House; he apologised for making them wait so long, which he said was occasioned by unavoidable business.

The order of the day was then read; the House went into a Committee of ways and means, and various documents were referred to them.

Mr. Chancellor Pitt

Mr. Chancellor *Pitt* then rose to open the budget of the year—It was a task, he said, which no man would covet, and which every man would believe was a task of necessity and not of choice. The necessity of the country rendered the business of this day more heavy, and consequently more irksome than it ever was on any preceding occasion to any Minister; and he undertook it with a perfect sense how unequal he was to the task, and how much he stood in need of the indulgence of the House. He had one comfort, however, which was, that he found this necessity in the office which he filled; he did not create it; it was entailed upon the office by those who were his predecessors, and it became his duty to enter on a most important weight of finance and taxation, as he must not suffer considerations of personal pleasure to interfere with the exigencies of his office. He had confidence in the good sense and patriotism of the People of England, that they would provide for the necessary services of the year, as well as for the remainder of that heavy load of debt which we had so unfortunately incurred in the course of the last most expensive war. We must meet our situation fairly; we must look it in the face; and he should consider himself as wanting in feeling, duty, and gratitude, if he should decline, from motives of personal security, the irksome office of winding up the accounts of the war, and closing them by the provision of taxes that would answer the whole of what we owed. It was certainly a most unpleasant thing to propose a loan in a year of peace; but gentlemen would remember, that it was yet but the second year of peace, and that yet we had not been able so to regulate our establishments as to know precisely what would be the amount of our civil expence. He could assure the House, that His Majesty's present Ministers had attended with the utmost assiduity to the reduction of every branch of the expence of Government, and he trusted the bene-

benefits of thoſe reductions would be felt—In the mean time he threw himſelf on the generoſity and candour of the Houſe while he proceeded to ſtate the buſineſs of the day — It was firſt his duty to ſtate the amount of the ſervices of the current year, ſhewing what were already provided for, what were already voted, and what yet remained both of ſupply and ways and means to be brought forward. It was, ſecondly, his duty to ſtate the amount of the unfunded debt, and the mode which he propoſed to ſettle that moſt important account. And, thirdly, he would ſtate to the Committee the taxes which he propoſed to move for, as likely to produce the neceſſary annuities for the loan as well as for the unfunded debts.

And firſt, he ſhould ſtate the amount of the current ſervices of the year — The navy amounted to three millions one hundred fifty-nine thouſand ſix hundred and ninety pounds; the ordnance to ſix hundred ten thouſand one hundred forty-nine pounds; and the army to the ſum of four millions ſixty-four thouſand five hundred ninety-four pounds, from which, however, there was to be deducted a ſum of ſavings, amounting to four hundred twenty-three thouſand pounds, which had been voted in a former year, but which were ſaved; the actual ſum of the army, therefore, was three millions ſix hundred forty thouſand eight hundred fourteen pounds for the ſervice of the current year. The deficiencies amounted to one hundred and ſixty-ſeven thouſand ſix hundred and ſeventy pounds. The ſum of Exchequer bills in circulation was two millions five hundred thouſand pounds, and which, in ſtating the current ſervice, muſt be provided for; though it was his idea, that for the preſent ſeſſion they might be provided for by iſſuing an equal number; beſides, there were already voted for the Levant Company, eleven thouſand eight hundred and thirty pounds, and two other ſmall ſums, which made the whole of the ſervices. for the year already voted amount to eight millions eight hundred forty-three thouſand three hundred and ten pounds, and for which the Houſe had only provided two millions ſeven hundred and fifty thouſand pounds, by the land and malt-tax bills. Beſides this ſum, there were yet various things to be taken into the notice of the Houſe, as yet to be voted for the ſervice of the year — There were two millions due to the bank of England, which they had lent to the Public, as a douceur for the renewal of their charter; but he had ſuch confidence in the patriotiſm and public ſpirit of that Company, and in their deſire of

assisting the nation whenever they could do it without injury to their own interest, that he believed means might be found to satisfy the Bank without repayment of the sum this year; but it was to be considered in the amount of the services — There was a sum of one hundred and twenty thousand pounds wanted to replace sums voted out of the civil list by addresses of the House. In speaking of the civil list he must also inform the House, that notwithstanding all the care which had been taken to make it equal to the expence, there was yet an accumulating arrear which would oblige Ministers to come to the House, and which would in future be stated to them at large. The next service to be voted was twenty-five thousand pounds for Somerset house; and there were several other services, such as the government of Nova Scotia, and the African Company; and altogether the amount of the current services would be no less than fourteen millions one hundred eighty-one thousand two hundred and forty pounds. Towards this sum the House had already granted the land and malt taxes — The two millions due to the Bank would be postponed — The sum of the Exchequer bills would be provided for by issuing of the same quantity — He would take the sinking fund up to the 5th of April 1785, for no more than one million, and he was well warranted in saying, that for so much it would certainly be productive — He was also to state there were in the Exchequer the sum of one hundred thousand pounds of surplusses, which would go towards the services of the year — These, therefore, making altogether upwards of eight millions, there would remain six millions still to be provided for.

It was, undoubtedly, he said, an ungracious thing to be under the necessity of borrowing money in peace; but, as he had already stated, we were so lately relieved from a burdensome war, that we were not yet able to level our establishments. In settling a loan for this sum of six millions, he had carried into execution what he had suggested on a former occasion, a fair and substantial competition between two sets of money-lenders. It was settled that the lenders should receive one hundred pounds of three per cents.; fifty pounds of four per cents., five shillings and six-pence of long annuities, and three-fifths of a lottery ticket, in a lottery of thirty-six thousand tickets, for every hundred pounds which they advanced. He trusted that the House would consider these terms as beneficial. By the latest accounts from the Stock Exchange the day before, the three per cents. were

wer at fifty-nine one-half, from which, in ſettling the terms, one and one-half was to be taken as the half year's intereſt then due; and therefore allowing in both the fund for this intereſt, the terms which were ſettled were as follow:

	£.	s.	d.
One hundred pounds of three per cents. taken at — — — —	57	0	0
Fifty pounds of four per cents. —	37	8	9
Five ſhillings and ſix pence of a long annuity, valued at — — —	4	17	11½
Thoſe together amounted to — —	99	19	2½

And this in fact was all that the Public had to pay; but it was not all that the money-lenders were to receive. The lottery ticket was not out of the public pocket, but it was a valuable douceur.

The three-fifths of a lottery ticket was valued at — — —	2	8	0
	102	7	2½

In calculating this matter, it might perhaps alſo be taken into the view of the Houſe, the benefit which the money-lenders might gain by the diſcount. This was only a probable gain, ſince it depended on their prompt payment. He would, however, ſtate what that diſcount was, that the Houſe might be in poſſeſſion of the whole of the douceur. According to the terms of payment in his motion, the diſcount would amount to — — — 1 7 2

And therefore the whole ſum thus ſtated, would be for every hundred pounds — — £103 14 4½

Theſe, he ſaid, were, in his mind, terms ample and ſufficient for the money lenders, and beneficial to the Public. He thought that the competition had been productive of much good. He aſſured the Houſe, upon his honour, that not one ſhilling of the loan was reſerved by him. One condition of the bargain, before it was ſtruck, was, that the holders of the loan ſhould have the excluſive diſtribution of it, and that the only reſerve ſhould be the uſual ſum for the public companies. Theſe terms being previouſly ſettled, and alſo that the loweſt bidder ſhould, in the fair

and real competition, be preferred; it was agreed by both, that there should be one hundred pounds of three per cents. at fifty-seven, and fifty pounds of four per cents. at thirty-seven pounds eight shillings and nine-pence as he had stated, together with the lottery ticket; and the article upon which they were severally to make the offer, was the long annuity. Both sets made an offer, and there was the difference of a six pence between them; and he accordingly closed the bargain, as he had stated, at five shillings and six pence. This, then, was the bargain, and he trusted it would be considered as fair to both parties. It was not for the interest of the Public that the money-lenders should suffer; and again it would be unpardonable in him if he had concluded a bargain, in time of peace, on unreasonable terms.

The next object to which he desired to draw the attention of the House, was the unfunded debt. It was his most anxious wish to have brought forward and provided a fund for the whole of this debt; the amount of the

Unfunded navy was — —	13,000,000
——— ordnance — —	1,000,000
	£14,000,000

He wished, he said, to have funded the whole of this sum, that we might have wound up the account of the war, and by that means be able to see the whole of our situation, and have the comfortable reflection that we had reached the end of our exigencies, and had compassed the obligations we were under. This was his anxious desire, for the purpose of establishing our credit, and of shewing the world that we were equal to the engagements into which we had entered. The money-lenders, however, and other gentlemen conversant with the Stock Exchange, with whom he had treated on the subject, assured him that such a quantity of floating stock coming into the market, must materially affect the price of the stocks, and that in particular they could not furnish the loan at terms so good. After an arduous effort for the whole, he was obliged to compound the business, and therefore he proposed to fund six millions six hundred thousand pounds of the unfunded fourteen millions.

At the same time, however, as the unfunded debt bore an interest of four per cent. it was his intention to propose taxes which should produce the sum of four per cent. for the remainder of the outstanding debt which was not now to be funded; so that in a future session, when a fund was to be provided for this remaining sum, nothing farther would

would be wanted than the difference between four per cent. and the terms which it might be judged neceffary to give to the fubfcribers to fuch fund, on fuch operation; and this he faid would not be a difficult tafk. The weight of the bufinefs would now be got over, and the world would perceive an evident and ferious difpofition in Government to fupport the credit of the country, and the faith of the nation.

Taking therefore all thefe things together, the annuity on the fum to be borrowed, and the intereft of four per cent. on the remainder of the unfunded debt, he had to provide by the taxes which he fhould propofe about nine hundred thoufand pounds a year. Of this fum,

The annuity on the loan would be — —	315,000
Intereft of the debt to be funded, would be fomewhat more than — — —	315,000
And the intereft of four per cent. on the remainder of the unfunded debt, if it fhould amount to feven millions of pounds, would be in all —	280,000
	£910,000

It was always his idea, he faid, that a fund at a high rate of intereft was better to the country than thofe at low rates; that a four per cent. was preferable to a three per cent. and a five per cent. better than a four. The reafon was, that in all operations of finance we fhould have in our view a plan of redemption. Gradually to redeem and to extinguifh our debt, ought ever to be the wife purfuit of Government, and every fcheme and operation of finance fhould be directed to that end, and managed with that view. With thofe fentiments he certainly fhould have preferred to have fettled the loan in a five per cent. fund; but the money-lenders informed him, that it was too much to bring into the market in any one fund, taking it together with the unfunded debt, and therefore he had only leave to make his option between the loan and fubfcription, which of the two he would chufe to prefer for the five per cent. fund; and he made his election of the latter.

His reafons were, for chufing the fubfcription in preference to the loan for the new fund of five per cent. firft, that undoubtedly the new fund was an experiment; and that if even the experiment fhould fail, the mifchief would be lefs material in the fubfcription than in the loan. We might adventure on this new ground with more confidence in the one cafe than the other. The holders of navy bills and ordnance debentures were already committed; they had already

ready trusted the Public; whereas if this new fund had been offered to the other, we should have had to combat with all the caprices of the money-lenders, and with all the indisposition which he confessed there was in the market to a high rate of interest.

This indisposition of the public to a five per cent. fund was given when he threw out this idea before, as the principal argument against the adventure. It was true that it was not so well relished; but the idea of redemption was ever present to his mind. The public ought never to look on redemption as a chimerical idea; for independent of every other advantage, the impression which it gave to the world, the prospect which it held out, and the disposition in ourselves which it manifested, was favourable to our credit. But it was said that the public would object to a five per cent. fund, because it might be at any time redeemed without suffering, and the money-lenders had no certainty in such a fund. Might not this, however, be got over by rendering the proposed fund irredeemable for a stated time? A five per cent. fund, estimating it at the present rate of the several funds, might, with confidence, be supposed to bear the price of ninety-five, and that was the price which it ought to bear. At whatever less he took it, so much more we were obliged to pay upon account of this fund, than what we might transact the business for in the other funds. But he thought we might permit the fund to be taken two per cent. lower, and still make an advantageous bargain for the Public. To estimate that fund at ninety-three, and to make it irredeemable for thirty years, the loss would be two shillings; but even with this present loss per cent. we should be considerably advantaged by the redemption at the end of thirty years.

There was another plan in his eye, which perhaps he should prefer; and that was, to make it irredeemable until a certain proportion should be redeemed of the present existing funds. This, in our present circumstances, he did not consider as an improper idea, for the other funds would now be the most advantageous for such an operation of finance; and certainly of all other funds the four per cents. would be the most eligible. It was his idea that this fund might be made irredeemable until twenty five millions of the present existing funds should be redeemed.

Having premised this, he said it was his intention to propose to the Committee to create a new five per cent. stock,

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irredeemable either for a time, or until twenty-five millions of the old funds should be extinguished, and to estimate this stock at ninety-three. He had lately given his opinion on the sacredness of public faith, and on the strict regard which was to be paid to every engagement into which we entered. In the settlement of this new fund, regard, however, should be paid to the titles of the several holders of the unfunded debt. Their pretensions were by no means equal, and in order, therefore, to do fair justice both to the Public and the holders, it was his idea to divide them into classes. The sum which he proposed to fund would bring down the navy bills to the end of June, 1782. By dividing them into classes of three months each, the principle of fairness might be pursued.

The first class would take in the holders of bills in June, July, and August, 1781; and as they had held them so long in their hands, it was his idea that they should be taken at par, by which they would have a profit ample and abundant, for it would amount to eight per cent. To reduce them to a standard of equality, in proportion to the time which they had severally held them, was the object which he had in view; and perhaps to take them at the discount in the market would be a fair way. By the equalizing rule, therefore, the next class containing the next three months of September, October, and November, 1781, should be taken at a discount of four per cent. The next three months at a discount of one pound more; and the next and last class, containing four months, to bring it down to the period at a still farther discount of one pound. By this means it was that the interest on this five per cent. stock would amount to somewhat more than three hundred and fifteen thousand pounds a year. He trusted that the House would agree with him in his ideas on this proposition: and he would now proceed to state the taxes which he thought would be proper for the production of this immense sum.

In order to pay the interest of the loan, and the interest of the remaining unfunded debt, an annual sum amounting to something more than nine hundred thousand pounds would be to be raised; he therefore was come at the most painful part of the task he had to go through that day, viz. the proposing taxes to be laid on the Public to produce so large a sum. He lamented exceedingly that it should be necessary to impose so heavy a burden on those who were so deeply laden already, but the necessity was too obvious,

and

and could not be avoided. In selecting such taxes as would produce the enormous sum of nine hundred thousand pounds the task was extremely difficult, and extremely disagreeable. The first object that his duty led him to look to, in the choice of additional taxes, was to hit upon such as should be most likely to be productive; and it was, as the Committee must be convinced, impossible to find taxes extremely productive that were not at the same time extremely burdensome. In executing this very disagreeable duty, he had acted to the best of his judgement, and chosen such out of the many that had suggested themselves to his mind, and been suggested to him by others, as appeared to be the most likely to be productive, and at the same time were the most equitable. In hazarding new taxes, a great deal must unavoidably be trusted to experiment; it was impossible, therefore, for any person in the situation that he stood in, to answer for the exact sums they were to produce; all that he or any Chancellor of the Exchequer could do, was to reduce their calculations upon the produce of new taxes as near to a certainty as possible; and after all, a great deal must depend upon trial, whence alone their defects could be discovered, and new regulations applied to assist their collection, and increase their produce. There had been deficiencies in all the new taxes, which deficiencies had been in a great degree cured by the subsequent regulations that Parliament had from time to time made with respect to those taxes; in like manner must the House proceed with the taxes he was about to propose. One objection he could foresee, and that would be a general one, would be made to the proposition which he meant to bring forward was, that the taxes to be raised were unexampled. He begged gentlemen to consider that the circumstance under which they were necessary, had no precedent in our history. He trusted at the same time that no exception would be thought solid or efficient, which did not by fair and logical deduction outweigh the advantage which must arise from any particular tax on the whole. He doubted not but gentlemen were of opinion with him, that at this time it was impossible to select any tax which would not be an object of dislike to that class of men on whom it operated most sensibly; and therefore when all others were convinced of its utility and propriety, their murmuring ought not to defeat it. That they should prove unexceptionable to that House and to the Public, was, he was aware, a great deal more than he had any right to expect: he hoped, however, they would be found

found so far unexceptionable, that there could not be stated any fundamental and capital objections against them.

Having thus prefaced the mention of them, Mr. Pitt said, the article he meant to propose, as the first of the long catalogue of taxation he had to state to the Committee, was an article of such general consumption, that it was almost in universal use; he meant a tax upon hats. The object of this tax, he observed, was of so many different descriptions, that it was impossible for him to follow them, or to apportion his tax according to the various qualities and prices of the hats that were worn by the various orders of persons in this kingdom; he was obliged, therefore, to divide them into general classes, hats made solely of felt, and hats in the manufacture of which there were other materials mixed. Upon the latter, he meant to lay a tax of two shillings each hat, and a tax of six-pence a hat on these made of felt. According to the most accurate account of the quantity of hats manufactured in this kingdom that had been handed to him, it appeared that four millions were manufactured every year, of which seven hundred and fifty thousand were exported. Say, therefore, that three millions were used in the kingdom, and one-third of that number was of felt, and the remaining two-thirds mixed, the produce of the tax would be one hundred and fifty thousand pounds, at which sum he took it. This tax undeniably, and at first sight, affected all ranks of men in this country; but recourse to things of this kind, in which as much certainty as possible with regard to the produce might be obtained, was now indispensable. This was the only apology he had to suggest for any part of the disagreeable and unpalatable duty he was now under the necessity of performing; but he thought it would chiefly fall upon the opulent, because they undoubtedly used the greatest number of hats in the year; on the lower class of people the tax would fall very light, because he conceived the poor, who wore felt hats, had not a new one each individual above once in two years.

The next article he should propose, was also an article of wearing apparel; it might therefore be conjectured that he was about to proceed regularly from the crown of the head to the sole of the foot, and lay a tax upon every part of the human cloathing, but that was not his intention; as the tax he had mentioned was upon an article consumed solely and exclusively by men, so the tax he was about to mention would affect articles worn as exclusively, excepting only on

occaſions like the occaſion juſt over, viz. at a general election, by the other ſex; it was a tax upon ribbands; to which he ſhould add a tax upon another commodity wore ſolely by women, a tax upon a certain deſcription of gauzes. Both theſe articles were clearly luxuries, as they were not neceſſary to the cloathing of any part of the human body, but were conſidered, even by the wearers themſelves, as mere ornaments of their perſons. In order to come at the quantity of ribbands made in the kingdom, he had procured an exact account of the number of looms employed in weaving that manufacture, and he found the amount to be more than twenty-five thouſand, and that each loom made ſo many thouſand yards per week, that the whole produced ſeventy-one million one hundred and thirty-ſix thouſand yards a year; allowing therefore for the number of looms occaſionally idle and unemployed, and taking them at nineteen thouſand, the produce would be one hundred and twenty thouſand pounds, laying the tax proportionally to the width and ſubſtance of the ribbands from a penny upon a dozen yards, up to a penny per yard.

The third article he would mention, was undoubtedly a neceſſary of life, viz. coals, but as the duties on coals ſtood at preſent, they were exceedingly unequally laid; it was manifeſtly painful to him to tax that, without which we could not ſubſiſt. He would truſt, however, that the patriotiſm and good ſenſe of the People would reconcile them to the idea of this very ſevere burden; but the aim of this tax was rather to oblige thoſe who did not pay the ſame duties as were paid by all who lived in London, and who were ſupplied with coals out of the port of London, than to lay an additional tax on thoſe who paid the high duties upon that article. The laſt duty impoſed upon all coals imported into the port of London, was a duty of three ſhillings per chalder. This had originally been a local duty, it having been impoſed to raiſe a fund for the building of churches in the city. In the original impoſition of it, therefore, it certainly was perfectly juſt to make the city of London, which was benefited by having the churches in queſtion built, bear the expence excluſively, but as ſoon as the purpoſe was compleated, it was conſidered as a public duty, and ſo it had continued ever ſince; what he meant, therefore, was to lay the ſame duty upon coals uſed in inland conſumption, and for exportation, which he conceived was nothing more than was perfectly juſt and equitable, ſince no duty was paid but the five ſhillings

lings port duty, at any other port than that of London, while the port of London paid eight ſhillings, and nothing was paid on the conſumption of coals unlanded or exported into Ireland. He ſaid, he was aware, that it might be objected, that this tax would materially affect our manufacturing towns; in order to obviate any objections of that kind, he wiſhed to exempt manufactures of a particular deſcription; theſe, he ſaid, who had a competition with manufactures of other countries. He thought we ought to ſtretch every point that our manufactures, which dealt in articles in which they were likely to be rivalled by others, ought to be able to meet them on equal terms, both in foreign markets and our own, that they might not be underſold either at home or abroad. An exemption from the preſent duty ought, therefore, in his opinion, to be extended to all ſuch manufactures, and to no others. But an exemption of this kind required ſo much delicacy and attention in the application, that he thought it deſerved a Committee to conſider and point out the proper objects of it. He ſhould propoſe it to be regulated by drawbacks, appropriated to the extent of their reſpective conſumptions. But great care would be neceſſary that theſe indulgences were not abuſed, as ſome might injure the tax by having drawbacks for more than they conſumed, and by that means ſupply others who had no claim on the exemption. The calculation, he ſaid, was uncertain, but he thought he ſhould not be far from the mark, ſtating the neat produce at about one hundred and fifty thouſand pounds.

The fourth ſubject of his propoſed taxes, was a tax upon an animal that certainly might be deemed a luxury, though extremely uſeful, and of which there was a vaſt number in the kingdom, he meant a tax upon horſes. He ſaid, he meant not to comprehend every deſcription within the view of this tax, but to exempt all horſes uſed for the purpoſes of trade and agriculture, and to confine it to horſes kept for the ſaddle, or to be put in carriages uſed ſolely for pleaſure, and which might fairly be termed horſes kept for the purpoſe of luxury. He eſtimated the number of horſes kept for carriages in proportion to the number of horſes kept for the ſaddle, as one to three, or as fifty to one hundred and fifty.— The amount of the tax he ſhould propoſe to be ten ſhillings a year for each horſe; and when it was conſidered, that almoſt every farmer in the kingdom kept at leaſt one horſe for the ſaddle, it was not too high a calculation to rate the number at fourteen in every pariſh; he eſtimated the produce,

therefore, of this tax, at one hundred thousand pounds; and he flattered himself, he put it considerably under what its true amount was likely to be — He stated, that in order to prevent evasion, it was meant that a stamp or peculiar mark was to be put, not upon any part of the body of the animal, but to be affixed to some part of the furniture and accoutrements of each horse, by way of proving that the tax had been paid, and that the owners of such as did not wear this stamp, were to be liable to a penalty.

The next tax he proposed was an additional excise duty on printed and stained linens and callicoes — These articles, he said, were more than twenty per cent. cheaper now than they had been during the war, and cotton was also much cheaper. As the last duties had not at all checked the consumption of these manufactures; but as, on the contrary, their consumption and use were considerably increasing, it appeared to him to be an article, that without any detriment would bear an additional duty; he meant, therefore, to propose to the Committee, an additional duty of about ten per cent. according to the quality. This new duty there would be no expence in collecting, and the produce of it he estimated at one hundred and twenty thousand pounds.

The sixth article of his intended taxes was a necessary of life, and a necessary as indispensable with the poorest as with the richest family in the kingdom — It was an article which, however, had not been touched since the reign of Queen Anne, and which he was seriously concerned that he was under the necessity of subjecting to a new impost: the truth was, nothing but the urgency of present exigence should have driven him to this and several other resources, which, however, he trusted, would occasion the less uneasiness, as the duty on them would be but small — But although the poor would be affected by it, still what he meant to propose would affect the poor in so very trifling a degree, that he flattered himself there would be no objection to it. What he meant was an additional duty on candles, of so small an amount as one half-penny in the pound — He said, he was aware, that candles had been uniformly exempted from all the late taxes, from a consideration of its being so immediately a necessary of life; but when the operation of the trifling tax he meant to lay upon candles was examined, the Committee would see it would not bear hard upon the poorest; if he had been rightly informed, about ten pounds of candles was the amount of the consumption of the lowest order of housekeepers; the family of our poorest cottagers, therefore, would only pay five

pence

pence a year to this tax. He estimated the produce at one hundred thousand pounds.

The next tax he should propose, was a duty to be paid on licenses to be granted to traders dealing in exciseable commodities — This, he said, was a plan that had been recommended by the Commissioners of the Board of Excise, and even desired by many respectable and capital dealers in the sort of goods, the venders of which were to be the object of it. The produce of it he estimated at eighty thousand pounds.

Being called to by Mr. Fox, who desired to know at what rate these licenses were to be charged, Mr. Pitt said, if the House thought proper, he would go through the detail; upon which Mr. Fox desired to know only the highest and lowest charges — Mr. Pitt then stated, it was a matter of some difficulty, to fix the precise price of the several licences, which, under this article, it would be necessary to allow—The distillers, he thought, might be about fifty pounds, on account of some advantages which he specified as peculiar to that line of business. Brewers, distillers of vinegar, and printers of of callico, might be rated at ten pounds; and a great many other intermediate dealers in the same description of goods, according to the extent and profit of their respective modes of business, would be subjected to five, or four, or three pounds, according as it would be judged necessary to adjust the tax proportionably to each. He did not, however, doubt, but the tax would, on the whole, be pretty unexceptionable.

The eighth tax he should propose, was a tax on bricks and tiles — There were, he said, according to the most accurate accounts that could be obtained, one hundred and five millions of bricks made and used in and near London; near Manchester, near Birmingham, and in the rest of the middle counties about the same quantity; and the same quantity again throughout the rest of the kingdom — He meant, therefore, to lay a tax of two shillings and six pence a thousand on bricks. He estimated the annual consumption at three hundred millions; the produce he should take at fifty thousand pounds only, including the sum to be drawn by a duty on tiles.

The next tax he had to propose, was a tax upon qualifications for shooting, and upon deputations taken out from lords of manors to kill game — He said, it had not been in his power to ascertain the number of manors in this kingdom; but calculating that there were three people in every parish

who qualified themselves to kill game, and he could scarcely suppose there were so few; charging them with a guinea each upon registering their qualification with the clerk of the peace, he should suppose it would at least produce thirty thousand pounds.

His next tax was an additional tax upon paper — The quantity of this article consumed yearly had not decreased by the late duties having been imposed, and from its bulk and weight it could not easily be smuggled — He should propose, therefore, one third of the present duty; and the Committee would see that the collection would be no additional expence. He estimated the produce of this tax at eighteen thousand pounds.

The tenth and last tax he had to submit to their consideration, was a tax peculiar to the metropolis, a tax upon hackney coaches—He meant that the keeper of each figure should pay five shillings weekly for a license; and when the great profits of the profession were considered, and the avidity with which figures were applied for, he flattered himself, this tax would not be thought oppressive. He estimated its produce at twelve thousand pounds.

These were the several articles of taxation to which he had turned for the present — It would be vain and idle to suppose all or any of them unexceptionable; but the necessity of the Public did not leave it in his option to deal otherwise than openly and fairly. The wants of Government were many; the finances of the country had been much reduced, and it was proper, it was necessary to look our real situation manfully in the face. It had been his desire to do so, and under that sentiment he produced the list of taxes to which he had called the deliberation and assistance of the Committee The whole might probably amount to somewhat more than the sum which he had proposed to raise; but several deficiencies might occur, where we could not either foresee or prevent them: he would, however, before he sat down briefly recapitulate the whole, that the Committee might see them in one connected point of view.

Hats, six pence on the low, and two shillings on the higher, - - - - - -	150,000
Ribbands and a certain description of gauzes, one penny per dozen yards, - - -	120,000
Coals, three shillings per chalder to inland consumers, - - - -	150,000
Carried over	420,000

Horses,

Brought over	420,000
Horses, at ten shillings a head, - - -	100,000
Printed and stained linens and callicoes, a duty from three pence up to one shilling per yard, and equal to ten per cent. - - -	120,000
Candles, one half-penny per pound, - -	100,000
License to persons dealing in exciseable commodities, from one pound to fifty pounds - -	80,000
Bricks and tiles, two shillings and sixpence on every thousand, - - - -	50,000
Qualifications of shooters, and deputations from lords of the manor, one guinea per head - -	30,000
Paper, one third additional duty, - -	18,000
Hackney coaches, five shillings a week additional duty, - - - - -	12,000
	930,000

Mr. Pitt apologized for having so long fatigued the Committee, but said, he trusted they would see it had been unavoidable; in order not to add to that fatigue, he declared he had purposely avoided going into a full detail of the regulations meant to make part of the several bills, that would be necessary to be brought in upon the subject of the taxes he had proposed — Subsequent opportunities of discussion of those topics would present themselves: he only hoped, he had been able to convey the respective taxes and the doctrines of finance that he had taken the liberty to dwell upon, clearly and intelligibly to the understandings of the Committee; if doubts remained with any gentleman, upon any one of the great variety of articles he had been at the necessity of troubling them upon, he would rise again, and be happy to give every satisfaction in his power upon such articles. In the discussion of the subject, he hoped the Committee would see that he had done that which his duty directed, without regard to his own inclination or his ease; he was not conscious of having left any matter untouched, that it was important for that House and the Public to be apprized of; on the contrary, he had studiously endeavoured to do what he held to be the indispensable duty of every person honoured with the high office he held, viz. to disguise nothing from the Public that affected their real interest, but to bring every particular of that nature forward; and however great the personal risque and inconvenience, however great the danger of incurring popular odium, by proposing heavy burdens

on

on the People might be, not to shrink from that painful act of duty, if such burdens were by the exigency of affairs required to be imposed. Mr. Pitt concluded with moving a resolution stating, "That the Committee were of opinion a "loan for six millions ought to be made on the terms he "had stated;" and this resolution was penned in the usual terms.

Mr. Fox. Mr. *Fox* rose, not he said to attempt to follow the right honourable gentleman through the vast field of finance that he had gone over, but to make a few remarks on some parts of his speech—Many of the subjects that he had stated, would come under discussion hereafter, and there would be fitter opportunities for debating them than the present; all he wished to say upon the propositions of the day was, that the right honourable gentleman had infinite merit, in having brought forward so much of the unfunded debt in the course of the present session as he had done; too much praise could not be given him on this head, and he, for one, was very ready immediately to declare that he was decidedly of this opinion. What he rose more particularly to say was, that he was happy to find the right honourable gentleman had made his loan this year exactly on the principles upon which the loan of the last year had been made; and he hoped, that henceforward, that House would hear no more of the nonsensical clamour, that had been raised under the fallacious notion, that twenty-one millions of debt had been incurred, in order to raise twelve millions of money—In settling his loan, the right honourable gentleman had acted wisely, in making his bargain as he had done; namely, in getting the money for the Public upon the best terms he could, without going into the consideration whether this or that particular fund was the most capable of redemption; and when he said this, Mr. Fox desired he might not be so grossly misunderstood, as to have it supposed, that he was an enemy to redemption, or that he was adverse to the paying off the national debt; he spoke directly with opposite feelings, and it was with a view of paying, or rather to diminishing our national debt, that he always argued as he had done, that loans ought to be made as well as they could, and that the Public ought not, from any prejudice of preference of one fund over another, to be burdened with a larger annuity than was necessary. With regard to the ideas suggested by the right honourable gentleman, in favour of a five per cent. fund, his opinion upon that subject was well known, and

he

he begged to have it underſtood, that his opinion was not in the leaſt ſhaken by any thing that had been ſaid that day — As to what the right honourable gentleman had ſaid, of making a five per cent. fund irredeemable for a number of years, it was undoubtedly the only way to make it fetch its price in the market, but he could not but think that the right honourable gentleman had taken it too high. The price of ſtocks always depended, in his mind, not upon what price they ought in reaſon and by fair calculation to bear, but by what they did actually bear, viz. what thoſe who dealt in them, what the money lenders were ready to take them at. Thus, for inſtance, the right honourable gentleman valued his five per cents. with which he meant to pay off a part of the navy debt, at ninety-five and ninety-three; he could not but think he rated them too high, and that the navy-bill holder, although he might poſſibly conſent to take them, would eſtimate them in his own opinion at ninety, or perhaps ninety-one. With regard to the right honourable gentleman's argument, upon the difference between a three per cent. and a five per cent. if the latter was made irredeemable for thirty years, undoubtedly the Public paid an annuity of two ſhillings for that time, for the right to redeem them at the expiration of that period; but the caſe the right honourable gentleman had put did not depend upon calculation, it was an hypotheſis and nothing elſe — If the funds could be bought up lower at the end of twenty or thirty years, the Public did pay an annuity of two ſhillings for the right to buy them up under that advantage, but if they could not, at the end of twenty or thirty years, be ſo redeemed at a low rate, the Public would have paid the annuity for nothing. The difference between a three per cent. and a five per cent. loan, Mr. Fox ſaid, was a difference in the one caſe in favour of the lender, in the other, in favour of the money borrower; the former would certainly prefer that fund the leaſt likely to be redeemed, the latter, that moſt likely and moſt capable of redemption. With regard to the taxes, indiſputably the money muſt be raiſed, and ſo fully convinced was he of this fact, that without meaning to bind any other gentleman to the ſame line of conduct, he pledged himſelf to give the right honourable gentleman his ſupport; by which he did not mean to ſupport him in the taxes at all hazards, but as far as upon diſcuſſion of the ſubject in future, the taxes propoſed that day ſhould appear to be the beſt that could be ſuggeſted. Indeed, ſo ſenſible was he of the neceſſity of raiſing taxes, that there

were hardly any taxes the right honourable gentleman could have proposed, that he should have thought himself, from the situation he had held, intitled to oppose. When the taxes the Committee had heard that day came under consideration, he should discuss them more minutely than it was possible for him to do then. There was one tax, howexer, that he could not but say he thought a strange one, and that was the tax on ribbands. If he took the calculation rightly, to make out the produce of that tax, every individual female, from the infant just born to the adult of any age, must be supposed to consume or use at least twenty ribbands a year [Mr. Pitt nodded assent] Mr. Fox said, this appeared to him to be scarcely credible. He farther observed, that most of the taxes were upon the direct necessaries of life, which he hoped would convince gentlemen, that the situation of the country was such, as required bold and effectual measures to be taken to retrieve it; and that they would join in supporting the Minister in carrying those taxes into effect, which were so obviously called for by the exigency of affairs. Mr. Fox thought Mr. Pitt had on a late occasion, under-rated the present growng produce of the receipt tax; and explained his meaning, by stating, that a great number of receipt stamps had been taken out previous to its being generally understood, as it had been last year, that the receipt tax need not to be paid. At that time those stamps were laid aside, but when the late bill for regulating the collection of the tax came in force on the 25th of March last, those stamps so laid aside came in use, but being on hand, they prevented so great an issue of new stamps as there otherwise would have been; consequently, the amount of what the tax was now likely to produce could not be known, and therefore he conceived Mr. Pitt to have considerably underrated its produce, when he stated it lately to the House as amounting at present to one hundred thousand pounds a year only. Mr. Fox asked Mr. Pitt what security the navy holder in the first class, who did not chuse to subscribe to the five per cents. was to have for the payment of his bill, and whether in that case a bill-holder of the second class was to stand in the shoes of the first-class bill-holder so refusing to become a subscriber?

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, he would very readily give every satisfaction in his power to the Committee, or to the right honourable gentleman who had opened the business in a man-

a manner so perfectly liberal and candid. The navy bill-holders who did not choose to become subscribers, would have the same security for the payment of their bills that they had now, and had hitherto had. The public faith was pledged to them for payment of the debt, but the Public was not compellable to make such payment, but at its own convenience. With regard to his loan being exactly upon the same principle as the loan of last-year, he could not admit that assertion, because the terms of his loan were two-fold; those of one part upon the old funds; those of the other, upon a new five per cent. fund. With regard to the receipt-tax, Mr. Pitt said, he had not meant on a late occasion, what that tax, under its present regulation, could produce, but what it actually had produced as yet. Mr. Pitt replied to the argument used by Mr. Fox against a five per cent. fund, and defended himself from the objections that gentlemen had stated.

Mr. *Fox* rose again, and said, when he had talked of the right honourable gentleman having borrowed his money upon the same terms as the loan of the last year, he meant to allude to that part of the bargain which was, properly speaking, the loan, and not the subscription to pay off the navy and ordnance debt. Mr. Fox did not seem satisfied with Mr. Pitt's answer on the subject of the navy bill-holder's security, in case he did not chuse to become a subscriber to the new fund. He thought it tended to a compulsory obligation upon the bill-holder to subscribe. Mr. Fox.

The Earl of *Surrey* briefly went through the taxes, most of which he thought unobjectionable; but he seriously advised Mr. Pitt to consider the intended tax upon coals. His Lordship stated a variety of objections to it, and said, if the right honourable gentleman persisted in it, it would be warmly remonstrated against from various parts of the kingdom. The Earl of Surrey.

Sir *John Wrottesly* professed himself a friend to the Chancellor of the Exchequer, but most earnestly exhorted him to abandon the intended tax upon coals, and to substitute some other. Sir John declared, if that tax were to be imposed, it would go near to ruin fifty thousand manufacturers in the county of Stafford. He also asserted, that three shillings a chalder was more than, in many parts of that county, people paid for a chalder of coals at the pit. Sir John Wrottesly.

Sir *James Johnstone* highly approved the intended tax on qualifications to shoot and deputations to kill game. Our game laws, as they stood, he said, he had ever considered as Sir James Johnstone.

a disgrace to the country. They tended to enslave the people by wresting arms out of their hands, but the intended tax would operate as it ought to do and fall upon the proper objects. He only wished the tax to be double on those who registered their qualifications to shoot, for surely if a gamekeeper was to pay a guinea for a deputation, a gentleman might well afford to pay two guineas for the register of qualifications to shoot game.

Sir M. W. Ridley. Sir *Matthew White Ridley* argued strenuously against the intended coal duty. Sir Matthew pointed out the manifest inconvenience it would load many of his constituents with, and in particular by drawing so much ready money from them. He asked how was it to be collected? Was an exciseman to be stationed at the mouth of every pit? He also asked, whether the tax was meant to be extended to the collieries of Scotland.

Sir Wm. Molesworth. Sir *William Molesworth* deprecated the coal tax. Sir William declared that the mines in the county he represented could not be worked, if any additional expence was thrown upon them, and asserted it to be a fact, which many who heard him could bear testimony to.

Mr. Ord. Mr. *Ord* cautioned Mr. Pitt about the manner of his having the coal bill drawn. If not very cautiously worded, it would be impracticable. A chalder of coals, London measure, was, he said, applicable to no other known measure in use throughout the kingdom.

Mr. Dempster. Mr. *Dempster* assigned his reasons for not wishing to go into a discussion of the intended taxes that evening, but desired to put in his claim to be heard upon them on a future day, when the bills were before the House. As the good or bad of many of the taxes depended entirely on the manner in which they were laid, he said no sound argument could be used, till gentlemen were apprised of the full extent of the several tax-bills. Mr. Dempster said the tax upon printed and stained linens appeared to him to be highly objectionable. It seemed as if the Minister with the same breath that had served him to declare the annihilation of the duties on tea, by that means removing one great subject of smuggling, imposed a duty on another article, and thereby provided smuggling with new incitements to exercise their illicit practices, and suggested new commodities for them to run into the kingdom, and those commodities, which, if smuggled, would materially injure, if not totally ruin, one of our best, and, nationally

ally confidered, our moft valuable manufactures. Mr. Dempfter thought the reafon that had been affigned by Mr. Pitt, for laying the additional duty on printed and ftained linens a bad one; and fhewed that it was from the prevalence of fuch notions of increafing duties that fmuggling had grown to its prefent enormity.

Sir *Matthew White Ridley* called again upon Mr. Pitt for an anfwer to his queftion, whether the intended tax on coals was meant to extend to the Scotch collieries? Sir M. W. Ridley.

Mr. Chancellor *Pitt* affured the honourable Baronet and the Committee, that the only reafon for his not having rifen fooner was, in order to collect all the objections of different gentlemen, and endeavour to fave the time of the Committee, by giving them all an anfwer in the fame fpeech. The tax on coals was undoubtedly meant to be extended to the collieries of Scotland; he wifhed, however, that the honourable Baronet, as well as the honourable gentleman oppofite to him (Mr. Ord) had referved their objections till they faw the bill; a great many of the taxes he had that day propofed, depended on the regulations under which they were to be laid; regulations meeting many of the objections that had been ftated, were actually already fettled, and would be found in the bills; and he really fhould be happy to receive fuch information, from gentlemen converfant with the fubject, as might ferve to point out the propriety of ftill farther regulations. There were undoubtedly many particulars to which fpecial exemptions from the tax muft be extended. Fire-engines, for inftance, was, he fairly thought, one of thofe particulars, and that, he conceived, would totally obviate an objection made by an honourable friend of his, who reprefented the county of Cornwall. With regard to what had been faid upon the fubject of the effect this tax would have upon our manufactures, furely gentlemen had forgot, that in his opening he had exprefsly ftated, that a drawback was intended to be allowed upon the exportation of fuch articles as confumed a confiderable quantity of coals in their manufacture. He declared he fhould be extremely forry if, by laying a trifling addition of duty on printed linens and cottons, he had been encouraging fmuggling, and holding out frefh incitements to the profecution of their daring enormities; but when the bill was before the Houfe, he trufted no mifchievous confequences would appear likely to follow upon the impofition of the tax in queftion. Mr. Chancellor Pitt.

Mr.

Mr. Walter Stanhope.

Mr. *Walter Stanhope* oppofed the tax on coals.

The Commitee agreed to the propofition on the terms of the loan.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* then feverally moved the following refolutions, which were all agreed to:

That, towards raifing the fupply granted to His Majefty, the fum of four hundred and forty-one thoufand feven hundred and two pounds thirteen fhillings and nine-pence half-penny, out of the monies or favings of the feveral army fervices, be applied towards defraying the extraordinary expences of His Majefty's land forces, and other fervices, incurred between the 1ft day of February, 1783, and the 24th day of December following, and not provided for by Parliament.

That all perfons interefted in, or intitled unto, any bills payable in the courfe of the Navy or Victualling Offices, or for tranfports which were made out on or before the refpective days following, that is to fay, the 31ft day of Auguft, 1781, the 30th of November, 1781, the 28th day of February, 1782, and the 30th day of June, 1782, who fhall, on or before the 31ft day of July, 1784, carry the fame (after having had the intereft due thereupon computed and marked upon the faid bills at the Navy or Victualling Office refpectively) to the Treafurer of His Majefty's navy, fhall have, in exchange for the fame, from fuch Treafurer, or his Paymafter or Cafhier, a certificate to the Governor and Company of the Bank of England, for every intire fum of one or more hundred pounds, for which fuch certificates are to be made forth; and alfo one other certificate for the fractional part of one hundred pounds, being the remainder of fuch bill or bills; and the perfons who fhall be poffeffed of fuch firft-mentioned certificates of the intire fum of one or more hundred pounds, fhall, upon the delivery thereof to the faid Governor and Company of the Bank of England, be intitled, in refpect of the fame, to the refpective fums following, that is to fay, to the fum of an hundred and feven pounds ten fhillings and fix pence capital ftock, for each hundred pounds of fuch bills made out on or before the faid 31ft day of Auguft, 1781; to the fum of one hundred and three pounds four fhillings and fix pence capital ftock, for each one hundred pounds of fuch bills made out on or before the faid 30th day of November, 1781; to the fum of one hundred and two pounds three fhillings capital ftock, for each one hundred pounds of fuch bills made out

on

on or before the said 28th day of February, 1782; to the sum of one hundred and one pounds one shilling and six pence capital stock, for each one hundred pounds of such bills made out on or before the said 30th day of June, 1782, the said respective capital stocks to be attended with annuities after the rate of five pounds per cent. per annum, to commence from the 5th day of July, 1784, payable half yearly, in lieu of all other interest, the said annuities to be irredeemable until twenty-five millions of the public debt, bearing interest at the rate of either three pounds per cent. per annum, or four pounds per cent. per annum, shall have been redeemed and paid off, and the said annuities to be charged upon a fund to be established in this session of Parliament, and for which the fund commonly called the sinking fund, shall be a collateral security.

That all persons interested in, or intitled unto, any debentures payable out of His Majesty's Office of Ordnance, which were dated on or before the respective days following, that is to say, the 3 th day of November, 1781, the 28th day of Feb. 1782, and the 30th day of June, 1782, who shall, on or before the 31st day of July 1784, carry the same to the Treasury of His Majesty's Office of Ordnance, to be certified by him, or his deputy or Cashier, to the Governor and Company of the Bank of England, shall be intitled, in respect of the same, to the respective sums following, that is to say, to the sum of one hundred and seven pounds ten shillings and six pence capital stock, for each one hundred pounds of such debentures made out on or before the said 30th day of November, 1781; to the sum of one hundred and three pounds four shillings and six pence capital stock, for each one hundred pounds of such debentures made out on or before the said 28th day of February, 1782; to the sum of one hundred and two pounds three shillings capital stock, for each one hundred pounds of such debentures made out on or before the said 30th day of June, 1782, the said respective capital stocks to be attended with annuities after the rate of five pounds per cent. per annum, to commence from the 5th day of July, 1784, payable half yearly, in lieu of all other interest, the said annuities to be irredeemable until twenty-five millions of the public debt, bearing interest at the rate of either three pounds per cent. per annum, or four pounds per cent. per annum, shall have been redeemed and paid off, and the said annuities to be charged upon a

fund

fund to be eſtabliſhed in this ſeſſion of Parliament, and for which the fund commonly called the ſinking fund, ſhall be a collateral ſecurity.

That there be charged for all candles whatſoever (except wax candles) which ſhall be made in Great Britain, one halfpenny for every pound weight avoirdupoiſe, and after that rate for any greater or leſs quantity.

That there be charged for all candles whatſoever (except wax candles) which ſhall be imported, one halfpenny for every pound weight avoirdupoiſe, and after that rate for a greater or leſs quantity.

That there be charged for and upon all bricks, by whatſoever name or names they now are or hereafter may be called or known, a duty of two ſhillings and ſix pence for every thouſand, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all tiles, commonly called or known by the name of plain tiles, a duty of three ſhillings for every thouſand, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all tiles, commonly called or known by the name of pan or ridge tiles, a duty of eight ſhillings for every thouſand, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all tiles, commonly called or known by the name of paving tiles, not exceeding ten inches ſquare, a duty of one ſhilling and ſix pence for every hundred, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all tiles, commonly called or known by the name of paving tiles, exceeding ten inches ſquare, a duty of three ſhillings for every hundred, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all tiles, other than ſuch as are before enumerated and deſcribed, by whatſoever name or names ſuch tiles now are or hereafter may be called or known, a duty of three ſhillings for every thouſand, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all coals or culm uſually ſold by the chalder, or by any other means whatſoever reducible to the chalder, a duty of three ſhillings for ſuch chalder of thirty-ſix buſhels, Wincheſter meaſure, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all coals or culm uſually ſold by weight, a duty of two ſhillings for every ton

ton of twenty hundred weight, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon every hat of a ſuperior quality, in the manufacture of which any hair, wool, beaver, or other fur is uſed, of whatever kind or ſort the ſame may be, the ſum of two ſhillings.

That there be charged for and upon every coarſe hat, commonly called or known by the name of a felt hat or wool hat, made or manufactured wholly of ſheep or lamb's wool, the ſum of ſix pence.

That every perſon who ſhall keep any horſe, mare, or gelding, for the purpoſe of riding, and not for drawing, ſhall yeild and pay, annually, the ſum of ten ſhillings.

That every perſon who ſhall keep any horſe, mare, or gelding, for the purpoſe of drawing any coach, berlin, landau, chariot, calaſh, chaiſe, or any other carriage, by whatſoever name ſuch carriages now are or hereafter may be called or known (for or in reſpect whereof any rate or duty, under the management of the Commiſſioners of Exciſe, now is or are made payable by any ſtatute now in force) ſhall yield and pay annually the ſum of ten ſhillings.

That the ſaid duties upon horſes ſhall be under the government, care, and management, of the Commiſſioners for the time being, appointed to manage the duties charged on ſtamped vellum, parchment, and paper.

That there be charged for and upon all ſilks and ſtuffs wholly made of cotton ſpun in Great Britain, linens and ſtuffs of what kind ſoever, which at any time or times hereafter ſhall be printed, ſtained, painted, or dyed in Great Britain, (ſuch callicoes, linens, and fuſtians, as ſhall be dyed throughout of one colour only, or ſtuffs made of woollen, or whereof the greateſt part in value ſhall be woollen, always excepted) the ſeveral rates and duties herein after expreſſed, over and above all other duties payable for the ſame, that is to ſay, for and upon all ſilks ſo printed, ſtained, or painted, in Great Britain (ſilk handkerchiefs excepted) the ſum of one ſhilling for every yard in length, reckoning half a yard for the breadth.

That there be charged for all ſilk handkerchiefs ſo printed, ſtained, or painted, the ſum of four pence for every yard ſquare, and in thoſe proportions for wider or narrower ſilks.

That there be charged for and upon all ſtuffs wholly made of cotton ſpun in Great Britain, to be ſo printed, ſtained, painted, or dyed in Great Britain (except as aforeſaid) the ſum of three pence for every yard in length, reckoning one yard wide, and after that rate for a greater or leſs quantity.

That there be charged for and upon all linens and ſtuffs (except as before excepted) to be printed, ſtained, painted, or dyed, the ſum of three pence for every yard in length, and after that rate for a greater or leſs quantity.

That there be charged for and upon all ribbands manufactured wholly of ſilk, or whereof the greater part in value ſhall be ſilk, not exceeding one-third of an inch in breadth, a duty of one penny for every twelve yards in length, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all ſuch ribbands above one-third, and not exceeding three fourths, of an inch in breadth, a duty of one farthing for every yard in length, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all ſuch ribbands above three-fourths of an inch, and not exceeding two inches and one-half in breadth, a duty of one half-penny for every yard in length, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon all ſuch ribbands exceeding two inches and one-half in breadth, a duty of one penny for every yard, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon every yard of gauze, manufactured wholly of ſilk, or in which there ſhall be any mixture of ſilk, being ſtriped or figured gauze, and not exceeding one yard in breadth, a duty of three pence, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon every yard of ſuch gauze, being ſtriped or figured gauze, exceeding one yard in breadth, a duty of four pence, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon every yard of ſuch gauze, being plain gauze, and not exceeding one yard in breadth, a duty of two pence, and ſo in proportion for any greater or leſs quantity.

That there be charged for and upon every yard of gauze, being plain gauze, and exceeding one yard in breadth,

breadth, a duty of three pence, and so in proportion for any greater or less quantity.

That every maker of mead for sale be obliged to take out a license, which license shall be charged with the yealy sum of twenty shillings.

That every brandy dealer, or person selling brandy or other spirituous liquors, not being a retailer or rectifier, be obliged to take out a license, which license shall be charged with the yearly sum of five pounds.

That every common brewer be obliged to take out a license, which license shall be charged with the yearly sum of ten pounds.

That every rectifier of spirits be obliged to take out a license, which license shall be charged with the yearly sum of five pounds.

That every other distiller for sale or exportation, be obliged to take out a license, which license shall be charged with the yearly sum of ten pounds.

That every corn distiller, or maker of low wines or spirits from corn or grain, for sale or for exportation, be obliged to take out a license, which license shall be charged with the yearly sum of fifty pounds.

That every maker of any kind of sweets, other than mead, for sale, be obliged to take out a license, which license shall be charged with the yearly sumof five pounds.

That every maker of vinegar for sale, be obliged to take out a license, which license shall be charged with the yearly sum of ten pounds.

That every malster, or maker of malt for sale, be obliged to take out a license, which license shall be charged with the yearly sum of two pounds.

That every hop planter, whose plantation of hops shall exceed two acres, be obliged to take out a license, which license shall be charged with the yearly sum of two pounds.

That every chandler, or maker of candles, (other than wax candles) for sale, be obliged to take out a license, which license shall be charged with the yearly sum of twenty shillings.

That every soap maker be obliged to take out a license, which license shall be charged with the yearly sum of two pounds.

That every paper stainer and maker of paper be obliged to take out a license, which license shall be charged with the yearly sum of two pounds.

That every callico printer, and every printer, painter, or ſtainer of ſilks, linens, cottons, or ſtuffs, be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of ten pounds.

That every ſtarch maker be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of two pounds.

That every wire drawer, or other perſon who ſhall draw, or cauſe to be drawn, any gilt or ſilver wire, commonly called big wire, be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of two pounds.

That every tanner be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of five pounds.

That every tawer be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of twenty ſhillings.

That every dreſſer of hides and ſkins in oil be obliged to take out a licenſe,, which licenſe ſhall be charged with the yearly ſum of two pounds.

That every currier be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of two pounds.

That every maker of vellum or parchment be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of twenty ſhillings.

That every glaſs maker be obliged to take out a licenſe, which licenſe ſhall be charged with the yearly ſum of ten pounds.

That every perſon in Great Britain qualified, in reſpect to their property, to kill game, ſhall, previous to their ſhooting at, killing, or deſtroying any game, regiſter their qualifications with the clerk of the peace, and annually take out certificates thereof.

That for every piece of vellum or parchment, or ſheet or piece of paper, upon which any certificate annually granted to any perſon qualified, in reſpect of his property, to kill game, ſhall be ingroſſed, written, or printed, there ſhall be paid a ſtamp duty of one pound one ſhilling.

That for every piece of vellum, or parchment, or ſheet or piece of paper, upon which any deputation, or appointment of a gamekeeper, granted to any perſon (not qualified in reſpect of his property) by any lord or lady of a manor

manor, ſhall be ingroſſed, written, or printed, there ſhall be paid a ſtamp duty of one pound one ſhilling, over and above the duty now impoſed on deeds.

That there be charged for every ream of paper made in Great Britain for writing, called imperial, of the value of two pounds eleven ſhillings per ream, and upwards, and not exceeding the dimenſions of twenty-two inches by thirty inches and a quarter, an additional duty of three ſhillings.

That there be charged for every ream of paper for writing, called ſuper royal, of the value of one pound eighteen ſhillings per ream, and upwards, and not exceeding the dimenſions of nineteen inches and a quarter by twenty-ſeven inches and a half, an additional duty of two ſhillings and three pence.

That there be charged for every ream of paper for writing, called royal, of the value of one pound nine ſhillings per ream, and upwerds, and not exceeding the dimenſions of nineteen inches and a quarter by twenty-four inches, an additional duty of one ſhilling and nine pence.

That there be charged for every ream of paper for writing, called medium, of the value of one pound two ſhillings per ream, and upwards, and not exceeding the dimenſions of ſeventeen inches and a half by twenty-two inches and a half, an additional duty of one ſhilling and ſix pence.

That there be charged for every ream of paper for writing, called demy, of the value of ſixteen ſhillings per ream, and upwards, and not exceeding the dimenſions of fifteen inches and a half by twenty inches, an additional duty of one ſhilling.

That there be charged for every ream of paper for writing, called thick poſt, of the value of thirteen ſhillings per ream, and upwards, and not exceeding the dimenſions of fifteen inches and a quarter by nineteen inches and a half, an additional duty of nine pence.

That there be charged for every ream of paper for writing, called thin poſt, of the value of ten ſhillings per ream, and upwards, and not exceeding the dimenſions of fifteen inches and a quarter, by nineteen inches and a half, an additional duty of ſeven pence.

That there be charged for every ream of paper for writing, called ſmall poſt, of the value of ſeven ſhillings and ſix pence per ream, and upwards, and not exceeding the dimenſions

of

of thirteen inches and a half by ſixteen inches and a half, an additional duty of ſix pence.

That there be charged for every ream of paper for writing, called fools cap, of the value of nine ſhillings per ream, and upwards, and not exceeding the dimenſions of thirteen inches and a half by ſixteen inches and three quarters, an additional duty of ſix pence.

That there be charged for every ream of paper for writing, called pott, of the value of ſix ſhillings per ream, and upwards, and not exceeding the dimenſions of twelve inches and a half by fifteen inches and a half, an additional duty of four pence.

That there be charged for every ream of paper for writing or copper-plate printing, called double atlas, of the value of fifteen pounds per ream, and upwards, and not exceeding the dimenſions of fifty-five inches by thirty-one inches and a half, an additional duty of ten ſhillings.

That there be charged for every ream of paper for writing or copper-plate printing, called demy, of the value of twelve ſhillings per ream, and upwards, and not exceeding the dimenſions of fifteen inches and a half by twenty inches, an additional duty of ſeven pence.

That there be charged for every ream of paper for writing or copper-plate printing, called copy or baſtard, of the value of ſeven ſhillings and ſix pence per ream, and upwards, and not exceeding the dimenſions of ſixteen inches by twenty inches and a quarter, an additional duty of four pence.

That there be charged for every ream of paper for writing or copper-plate printing, called fools cap, of the value of ſix ſhillings per ream, and upwards, and not exceeding the dimenſions of thirteen inches and a half by ſixteen inches and three quarters, an additional duty of three pence.

That there be charged for every ream of paper for writing or copper-plate printing, called littris fools cap, of the value of ſix ſhillings per ream, and upwards, and not exceeding the dimenſions of thirteen inches and a half by ſeventeen inches and a half, an additional duty of three pence.

That there be charged for every ream of paper for writing or copper-plate printing, called pott, of the value of four ſhillings per ream, and upwards, and not exceeding the dimenſions of twelve inches and a half by fifteen iuches and a half, an additional duty of two pence.

That

That there be charged for every ream of paper for writing or copper-plate printing, called ground eagle or double elephant, of the value of four pounds per ream, and upwards, and not exceeding the dimenſions of twenty-ſix inches and three quarters by forty inches, an additional duty of four ſhillings.

That there be charged for every ream of paper for writing or copper-plate printing, called columbier, of the value of two pounds ten ſhillings per ream, and upwards, and not exceeding the dimenſions of twenty-three inches and a half by thirty-four inches and a half, an additional duty of three ſhillings and ſix pence.

That there be charged for every ream of paper for writing or copper-plate printing, called atlas, of the value of three pounds per ream, and upwards, and not exceeding the dimenſions of twenty-ſix inches and a quarter by thirty-four inches, an additional duty of five ſhillings.

That there be charged for every ream of paper for writing or copper-plate printing, called atlas, of the value of two pounds per ream, and upwards, and not exceeding the dimenſions of twenty-ſix inches and a quarter by thirty-four inches, an additional duty of two ſhillings and ſixpence.

That there be charged for every ream of paper for writing or copper-plate printing, called imperial, of the value of one pound ten ſhillings per ream, and upwards, and not exceeding the dimenſions of twenty-two inches by thirty inches and a quarter, an additional duty of one ſhilling and nine pence.

That there be charged for every ream of paper for writing or copper-plate printing, called ſuper royal, of the value of one pound five ſhillings per ream, and upwards, and not exceeding the dimenſions of nineteen inches and a quarter by twenty-ſeven inches and a half, an additional duty of one ſhilling and ſix pence.

That there be charged for every ream of paper for writing or copper-plate printing called long royal, of the value of one pound per ream, and upwards, and not exceeding the dimenſions of twenty-ſeven inches and a half by eighteen inches, an additional duty of one ſhilling.

That there be charged for every ream of paper for writing or copper-plate printing, called royal, of the value of eighteen ſhillings per ream, and upwards, and not exceeding the dimenſions of nineteen inches and a quarter by

by twenty-four inches, an additional duty of one ſhilling.

That there be charged for every ream of paper for writing or copper-plate printing, called demy, of the value of thirteen ſhillings per ream, and upwards, and not exceeding the dimenſions of ſeventeen inches by twenty-two inches, an additional duty of ſeven pence.

That there be charged for every ream of paper for writing or copper-plate printing, called ſhort demy or crown, of the value of nine ſhillings per ream, and upwards, and not exceeding the dimenſions of fourteen inches by twenty inches and a quarter, or of fifteen inches by twenty inches, an additional duty of five pence.

That there be charged for every ream of paper for writing or copper-plate printing, called large fan, of the value of fourteen ſhillings per ream, and upwards, and not exceeding the dimenſions of twenty-three inches and a half by twenty inches and a half, an additional duty of one ſhilling.

That there be charged for every ream of paper for writing or copper-plate printing, called ſmall fan, of the value of eleven ſhillings per ream, and upwards, and not exceeding the dimenſions of twenty-two inches and a quarter by thirteen inches and a quarter, an additional duty of nine pence.

That there be charged for every ream of paper for writing or copper-plate printing, called elephant, of the value of fifteen ſhillings per ream, and upwards, and not exceeding the dimenſions of twenty-three inches by twenty-eight inches, an additional duty of nine pence.

That there be charged for every ream of paper for bank or bankers bills or notes, allowing two bills or notes, to each ſheet, an additional duty of one ſhilling; and ſo in proportion for a greater or leſs number of bills or notes in each ſheet.

That there be charged for every bundle of paper for printing, called double demy, of the value of one pound eighteen ſhillings per bundle, and upwards, and not exceeding the dimenſions of twenty-ſix inches by thirty-eight inches and a half, an additional duty of one ſhilling and nine pence.

That there be charged for every bundle of paper for printing, called royal, of the value of one pound four ſhillings per bundle, and upwards, and not exceeding the dimen-

dimensions of nineteen inches and a half by twenty-four inches and a quarter, or of twenty inches by twenty-six inches, an additional duty of one shilling and two pence.

That there be charged for every bundle of paper for printing, called royal inferior, of the value of fourteen shillings per bundle, and upwards, and not exceeding the dimensions of nineteen inches and a half by twenty-four inches and a quarter, an additional duty of eight pence.

That there be charged for every bundle of paper for printing, called medium, of the value of one pound per bundle, and upwards, and not exceeding the dimensions of eighteen inches by twenty-three inches, an additional duty of eleven pence.

That there be charged for every bundle of paper for printing, called demy single, of the value of seventeen shillings per bundle, and upwards, and not exceeding the dimensions of seventeen inches and a half by twenty-two inches, or of nineteen inches and a quarter by twenty-one inches and a quarter, an additional duty of ten pence.

That there be charged for every bundle of paper for printing, called demy inferior, of the value of ten shillings per bundle, and upwards, and not exceeding the dimensions of seventeen inches and a half by twenty-two inches, an additional duty of six pence.

That there be charged for every bundle of paper for printing, called double crown, of the value of seventeen shillings per bundle, and upwards, and not exceeding the dimensions of twenty inches by thirty inches, an additional duty of eight pence.

That there be charged for every bundle of paper for printing, called double crown inferior, of the value of twelve shillings per bundle, and upwards, and not exceeding the dimensions of twenty inches by thirty inches, an additional duty of seven pence.

That there be charged for every bundle of paper for printing, called single crown, of the value of thirteen shillings per bundle, and upwards, and not exceeding the dimensions of fifteen inches by twenty inches, an additional duty of eight pence.

That there be charged for every bundle of paper for printing, called single crown inferior, of the value of eight shillings per bundle, and upwards, and not exceeding the dimensions of fifteen inches by twenty inches, an additional duty of five pence.

That there be charged for every bundle of paper for printing, called demy tiffue, of the value of eight fhillings per bundle, and upwards, and not exceeding the dimenfions of feventeen inches and a half by twenty-two inches, an additional duty of five pence.

That there be charged for every bundle of paper for printing, called crown tiffue, of the value of five fhillings per bundle, and upwards, and not exceeding the dimenfions of fifteen inches by twenty inches, an additional duty of three pence.

That there be charged for every bundle of paper for printing, called double pott, of the value of nine fhillings per bundle, and upwards, and not exceeding the dimenfions of feventeen inches by twenty-five inches and a half, an additional duty of fix pence.

That there be charged for every ream of paper called cartridge, not exceeding the dimenfions of twenty-one inches by twenty-fix inches, an additional duty of feven pence.

That there be charged for every ream of paper called fquare cartridge, not exceeding the dimenfions of twenty-four inches and a half by twenty-five inches and a half, an additional duty of eight pence.

That there be charged for every ream of paper called cartridge, not exceeding the dimenfions of nineteen inches and a quarter by twenty-four inches, an additional duty of fix pence.

That there be charged for every ream of paper called elephant common, not exceeding the dimenfions of twenty-three inches by twenty-eight inches, an additional duty of five pence.

That there be charged for every ream of paper called fugar blue, not exceeding the dimenfions of twenty-one inches and half by thirty-three inches, an additional duty of eight pence.

That there be charged for every ream of paper called fugar blue, fmaller fize, not exceeding the dimenfions of eighteen inches and three quarters by twenty-feven inches, an additional duty of fix pence.

That there be charged for every ream of paper called fugar blue, demy fize, not exceeding the dimenfions of feventeen inches and a half by twenty-two inches, an additional duty of five pence.

That

That there be charged for every ream of paper called ſugar blue, crown ſize, not exceeding the dimenſions of fifteen inches by twenty inches, an additional duty of eight pence.

That there be charged for every ream of paper called purple royal, not exceeding the dimenſions of nineteen inches and a half by twenty-four inches and a quarter, an additional duty of four pence.

That there be charged for every ream of paper called blue elephant, not exceeding the dimenſions of twenty-three inches by twenty-eight inches, an additional duty of ſix pence.

That there be charged for every bundle of paper called blue royal, not exceeding the dimenſions of nineteen inches and a half by twenty-four inches and a quarter, an additional duty of eight pence.

That there be charged for every bundle of paper called blue demy and bloſſom, and not exceeding the dimenſions of ſeventeen inches by twenty-two inches, an additional duty of ſix pence.

That there be charged for every bundle of paper called blue crown, ſingle, not exceeding the dimenſions of fifteen inches by twenty inches, an additional duty of three pence.

That there be charged for every ream of whited-brown paper, called royal hand thick, not exceeding the dimenſions of twenty-four inches by nineteen inches and a quarter, an additional duty of four pence.

That there be charged for every bundle of whited-brown paper, called royal hand, not exceeding the dimenſions of twenty-four inches by nineteen inches and a quarter, an additional duty of four pence.

That there be charged for every bundle of whited-brown paper, called lumber hand, not exceeding the dimenſions of twenty-three inches by eighteen inches, an additional duty of four pence.

That there be charged for every bundle of whited-brown paper, called two pound, not exceeding the dimenſions of twenty-four inches by ſixteen inches, an additional duty of three pence.

That there be charged for every bundle of whited-brown paper, called ſingle two pound, not exceeding the dimenſions of ſixteen inches by eleven inches, an additional duty of one penny.

That there be charged for every bundle of whited-brown paper, called middle hand double, not exceeding the dimensions of thirty-three inches by twenty-one inches, an additional duty of six pence.

That there be charged for every bundle of whited-brown paper, called middle hand, not exceeding the dimensions of twenty-two inches by sixteen inches, an additional duty of three pence.

That there be charged for every bundle of whited-brown paper, called small hand double, not exceeding the dimensions of thirty-two inches by twenty inches, an additional duty of four pence.

That there be charged for every bundle of whited-brown paper, called small hand, not exceeding the dimensions of nineteen inches and three quarters by sixteen inches, an additional duty of two pence.

That there be charged for every bundle of whited-brown paper, called couples pound and half pound, not exceeding the dimensions of twelve inches by ten inches, and of nine inches by seven inches and a half, an additional duty of one penny.

That there be charged for every ream of brown paper, called imperial cap, not exceeding the dimensions of twenty-nine inches by twenty-two inches, an additional duty of four pence.

That there be charged for every ream of brown paper, called havon cap, not exceeding the dimensions of twenty-four inches by twenty inches, an additional duty of three pence.

That there be charged for every ream of brown paper, called bag cap, not exceeding the dimensions of twenty-three inches and a half by nineteen inches, an additional duty of two pence.

That there be charged for every ream of brown paper, called Kentish cap, not exceeding the dimensions of twenty-one inches by eighteen inches, an additional duty of two pence.

That there be charged for every ream of brown paper, called four pounds, not exceeding the dimensions of twenty inches by sixteen inches, an additional duty of two pence.

That there be charged for every ream of brown paper, called small cap, not exceeding the dimensions of twenty inches by fifteen inches, an additional duty of one penny.

That

That there be charged for every ream of brown paper, called double four pounds, not exceeding the dimensions of thirty-three inches by twenty inches, an additional duty of four pence.

That there be charged for every bundle of brown paper, called single two pounds, not exceeding the dimensions of sixteen inches by eleven inches, an additional duty of two pence.

That there be charged for every bundle of brown paper, called couples pound and half pound, not exceeding the dimensions of twelve inches by ten inches and a half, an additional duty of one penny.

That there be charged for every hundred weight of pasteboard, millboard, scaleboard, and glazed paper, for clothiers and hotpressers, an additional duty of one shilling and six pence; and after those rates for any greater or less quantity of such papers, pasteboards, millboards, and scaleboards, respectively.

That, towards raising the supply granted to His Majesty, there be reserved and made payable to His Majesty, his heirs and successors, an additional rent of five shillings a week, to be paid during the continuance of every license granted for using hackney coaches within the cities of London and Westminster, and the suburbs thereof, and the limits of the weekly bills of mortality.

That there be reserved in the receipt of His Majesty's Exchequer, the surplus produce of the money to arise by the said additional and new duties, above what will pay the interest of the money borrowed, and navy and ordnance debt to be funded, to be applicable to the discharge of the interest of the remaining navy bills, and for the payment of the ordnance debentures, when the same shall become payable respectively, and for the payment of any fund or annuity which may be created for the discharge of the said navy bills and ordnance bebentures respectively.

July 1.

Sir *Thomas Dundas* rose to state to the House, that he had received authentic information that the inhabitants of the isles of Shetland were in the greatest distress imaginable for want of food, a famine having been occasioned by the total failure of their harvest last year. Sir Thomas said, he would not take up the time of the House by entering at that

Sir Thomas Dundas.

that moment into any discussion of a circumstance so lamentable. He doubted not but it was sufficient for him to have stated, that the melancholy fact existed, to obtain the immediate attention of the House to it. He would, therefore, content himself with moving, "That a Committee be "appointed to inquire into the distress of the inhabitants of "Shetland, in consequence of the famine now raging there."

The Speaker.

The *Speaker* appealed to the House whether that was the proper mode of proceeding, as it did not strike him that there was any precedent for it; not that he was prepared to say no such precedent existed; but he wished to have the opinion of gentlemen more experienced in the forms of the House, upon proceedings of that nature, than he was.

Mr. Dempster.

Mr. *Dempster* cited a case that had happened some time since of a similar nature, in which the House had interfered, and by a seasonable supply of provisions, afforded substantial relief to a very considerable number of distressed individuals and their families in Scotland. Mr. Dempster stated the present to be a case equally deserving the attention of the House: he said, he had likewise received letters of undoubted authority, communicating to him an account of the particulars; and they were such as called loudly for immediate relief. The islands of Shetland, he declared, were as valuable as any belonging to Great Britain; they contained an infinite number of inhabitants, who were employed in the fisheries. As it was of the utmost consequence to their preservation that some relief should be immediately granted them, he hoped that the motion, which he conceived to be a motion perfectly proper and unexceptionable, would be allowed to pass, and that a Committee would be appointed, and would lose no time in making a report of the truth of the case, that the House might take immediate measures for the relief of the poor distressed objects. Mr. Dempster said, a representation of the facts had been drawn up by the clergy of Shetland, and sent to London to be presented to His Majesty; but owing to the great distance, and the difficulty of conveyance, the letter did not reach town till a month after the date of it.

The Speaker.

The *Speaker* said, he had no doubt of the truth of the facts; but he wished to know what was the fit mode of proceeding.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* said, the only objection he saw in the motion was, that it assumed a fact which the House, in point of form, was not apprised of, viz. that a famine was

was actually raging in Shetland. He ſhould imagine, if the motion was altered, and merely went to the appointment of a Committee, it might paſs, and the end would be perfectly anſwered.

Mr. Welbore Ellis ſaid, the proper mode of proceeding, he conceived, would be, to preſent a petition to His Majeſty upon the ſubject, and for that petition to be brought to the Houſe by one of His Majeſty's ſervants, with a meſſage recommending it to the Houſe to take it into their immediate conſideration. Mr. Welbore Ellis.

The Speaker owned his mind went entirely with what the honourable gentleman had ſuggeſted. He explained the uſage of their proceedings where money was to be granted for particular purpoſes. The Speaker.

Mr. Chancellor Pitt accorded with what had fallen from Mr. Ellis, and ſaid, it certainly would be adviſeable to proceed regularly, as they now knew what the regular mode of proceeding was. If, therefore, the honourable gentleman would withdraw his motion, and let a petition be preſented, in the mean time the buſineſs ſhould be going on; ſo that in fact little or no time ſhould be loſt by altering the manner of obtaining the relief ſo neceſſary to be adminiſtered. Mr. Chancellor Pitt.

The motion was withdrawn.

Mr. Eden roſe on the reading of the bill for the regulation of the poſt between Great Britain and Ireland, and ſaid, that he was far from feeling a wiſh to impede a meaſure tending in any degree to promote the intercourſe between the two kingdoms; and that he more particularly was diſpoſed to the preſent bill, becauſe it could reſult only from genuine and unſolicited ſentiments of attention towards Ireland, which he ſhould be glad to ſee exerted in inſtances of more extent and importance, wherever it might be found compatible with our mutual intereſts. The preſent act, ſo far as it might affect the revenue of the Engliſh Poſt Office, undoubtedly was a gift to Ireland, that country having been compenſated by the late act, for her claim of the ſhare of profits on the carriage of letters between Dublin and Great Britain: as, however, he did not wiſh to impreſs an idea on either ſide of the water that the ſacrifice made was more important than it really was, he wiſhed that the mover of the bill would think proper to ſtate the expence. Mr. Eden.

Mr. Ord thanked the right honourable gentleman for the inquiry: he could aſſure the Houſe that the expence propoſed would be within two thouſand pounds a year: and he Mr. Ord.

muſt add, that though a compenſation had been given to Ireland in ſettling the late bill, the quantum of that compenſation had been agreed when it was ſuppoſed that the clauſe now offered would make a part of the bill, and the clauſe had afterwards been omitted. He did not wiſh, however, to dwell on ſuch an object in a conteſt of good will and good correſpondence between the two kingdoms, and was very glad that the bill had a general approbation.

Mr. Gilbert. Mr. *Gilbert* brought up the report containing the reſolutions of the Committee of ways and means of the preceding day, and they were read over at full length a firſt time.

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* then roſe, and ſaid he wiſhed to offer two or three things to the conſideration of the Houſe, before they went into any diſcuſſion whatever of the ſeveral reſolutions that had been juſt read a firſt time. The tax moſt likely to occaſion debate and to be objected to, he preſumed, was the tax on coals; reſpecting that tax, therefore, he muſt obſerve to the Houſe, as had been very candidly and juſtly remarked by a gentleman in the converſation that had taken place upon it in the preceding evening, it was ſcarcely poſſible for any man to ſay what objections really lay againſt the tax, if any, till the bill was before them, and the regulations it contained had been ſeen. Every thing of that nature, as gentlemen well knew, for very obvious and neceſſary reaſons, was obliged to be made a ſort of ſecret, till a certain time; what he wiſhed, therefore, was, that all argument reſpecting it might be reſerved till the bill was fairly before the Houſe, and that they might not proceed to try the queſtion that day, when they really had not the information before them that would be neceſſary to enable them to decide upon it. In the mean time he begged leave to aſſure the Houſe, that he had not propoſed the tax without having firſt collected what he had conceived to be good information reſpecting it; to that information, however, he had not ſo far ſurrendered his judgement, as to have come to the Houſe to propoſe the tax, with a determination that nothing that gentlemen converſant with the ſubject might ſtate, ſhould have any effect on his mind. He really was extremely deſirous of obtaining the fulleſt information upon it, and he would ſpare no perſonal endeavours to get at the information before the day of diſcuſſion, if the Houſe would conſent to let that ſubject reſt till a future day.

day. If from what he should be able farther to collect, it should appear fairly and plainly to be a tax liable to solid and manifest objection, he should be open to conviction; for he did assure the House, he was not so mu h attached to any proposition as not to part with it, because he had been the person who brought it forward. On the other hand, he hoped that those gentlemen who had already objected to the tax, were open to conviction also; if the regulations of the bill should be found so to modify the tax and purge it of objection, as to remove every reasonable ground of complaint, he should then expect that it would be deemed a good tax, and that the gentlemen in question would favour it with their support. He begged, at any rate, that the question might not be considered as having been prejudged, and that nothing that had passed upon the subject might be regarded as tying gentlemen down either one way or the other, but that the question might remain open, and be brought under discussion free from every sort of prejudice. He trusted that they all looked to one and the same object, viz. the providing such aids as should be productive, and at the same time the most likely to prove the least burdensome. In doing their duty truly, therefore, it was necessary that they should make such a choice as was best for the country, neither too obstinately persevering in a severe and oppressive tax on the one hand, when a better was to be had, nor lightly and upon trivial grounds abandoning a tax that promised to be productive and efficient, because it was liable to some objection. After proposing to try the question fairly, and to abide by the issue, he said, he hoped the tax would not be discussed that day.

Mr. *Jolliffe* rose, and said the right honourable gentleman had made a very candid proposal. He must nevertheless assign his reason for disapproving of the tax. Mr. Jolliffe then stated, that the tax, from its principle, must necessarily be productive of the most mischievous consequences; for which reason he advised the right honourable gentleman to substitute some other in the room of it. Mr. Jolliffe.

Mr. *Walter Stanhope* said, after the handsome manner in which the right honourable gentleman had spoken upon the subject, he would not oppose the tax that day; but he had a proposition which he wished to submit to his consideration, and that was, to pass over the tax entirely that day, and to suspend it till the matter had been fairly discussed, Mr. Walter Stanhope.

cuſſed. Mr. Stanhope ſaid, he ſubmitted this propoſition for the ſake of the right honourable gentleman, whom he wiſhed ſincerely well. If the tax was known to be ſuſpended, the country would be quiet; but if it was underſtood to be going on, ſuch a clamour and noiſe would be raiſed throughout the kingdom, as never had been occaſioned by any tax, however unpopular, ſince the Revolution, or at leaſt, he would ſay, ſince the general exciſe. If the right honourable gentleman would take his advice, and agree to paſs over the tax for the preſent, he ſhould be extremely happy, and the diſcuſſion would come on hereafter more undiſturbed, and unmixed with prejudice; but if the right honourable gentleman ſhould be of another opinion, he could only ſay, he would not that day vote againſt the tax.

Sir William Cunyngham

Sir *William Cunynghame* declared the tax went to deſtroy the very vitals of the part of the kingdom that he belonged to. The people there muſt be totally ruined by any tax on coals; they had no wood to cut down to make fires, and they were too poor to pay any ſuch tax, as the right honourable gentleman had propoſed; he therefore ſhould hold it to be his duty to give the tax a brain blow, if poſſible, at the very firſt ſtage of it; and for that reaſon, if he was the ſingle man who walked out of the door, he was determined to take the ſenſe of the Houſe upon it that day.

Mr. Dempſter.

Mr. *Dempſter* roſe to intreat his honourable friend to forbear any ſuch raſh intention as that he had juſt ſtated. Mr. Dempſter ſaid, his honourable friend, he was perſuaded, was not aware what injury he would do the cauſe he meant to ſupport, by taking the ſenſe of the Houſe upon the tax that day. After the open, manly, honourable, and fair declaration made by the right honourable Chancellor of the Exchequer, it would be to the laſt degree improper not to let the tax proceed a ſtep farther, and to reſerve a trial of the queſtion reſpecting it, till that trial could be had with full information in their poſſeſſion. After what had paſſed that day, Mr. Dempſter declared, that although no man more ſincerely wiſhed to comply with what he knew to be the deſire of his conſtituents, had the right honourable gentleman propoſed a tax on the bible, he would that day divide with him upon it; and yet his honourable friend knew that their countrymen would not be very well pleaſed with a tax upon the book he had men-

mentioned, or think very highly of any man who ſhould ſupport ſuch a tax. Mr. Dempſter ſaid farther, that the right honourable gentleman had done his duty manfully and ably. It was an arduous and an invidious taſk to propoſe taxes to be impoſed on the People; and when a Chancellor of the Exchequer met the difficulty of the day with becoming courage, it was ſhameful to ſuffer him to ſtand as the ſingle object to be baited. He ought to be ſupported, and he ſhould have his ſupport, though he could not approve of the whole of the taxes; that on licenſes was an oppreſſive, and he could ſay as unjuſt as any tax ever propoſed. In London, ten pounds might be a trifle for a brewer to pay for a licenſe; but in Scotland, which ſwarmed with little brewers, ſuch a ſum could not be afforded to be paid by ſcarcely any one brewer in every ſhire.

Sir William Cunynghame.

Sir *William Cunynghame* ſaid nothing on earth ſhould divert him from his purpoſe. The tax would prove the annihilation of his country if it was ſuffered to exiſt, and he was determined to take every opportunity of endeavouring to cruſh it that offered. He did aſſure the right honourable gentleman, that he oppoſed it from principle, and for the reaſon he had ſtated, and not from any motive or perſonal ill-will to him.

Mr Marſham.

Mr. *Marſham* ſaid, he was happy to ſee the Houſe likely to act in a manner ſo different from that in which he had expected they would act that day. He thought the Chancellor of the Exchequer deſerved the thanks of his country for funding ſo much of the unfunded debt, as well as for the large ſum he had provided taxes for. There were, however, ſome of thoſe propoſed that were objectionable, and coals was not the only one. The licenſe on hop grounds was an extreme bad tax. It would annihilate all thoſe who grew a few acres of hops only; and he in his conſcience believed, it would rather tend to diminiſh than increaſe the revenue.

Sir M. W. Ridley.

Sir *Matthew White Ridley* ſaid, he chiefly roſe to make an apology to the right honourable gentleman for a haſty expreſſion that had dropped from him in the courſe of the debate the preceding day. He had ſaid, the honourable gentleman had propoſed a tax on coals without knowing any thing upon the ſubject: all he meant was, that thoſe who had given the right honourable gentleman what information he had received reſpecting coals, either were ignorant themſelves, or they had deceived him. He there-

fore asked the right honourable gentleman's pardon, if what he had said was construed to be a personal imputation upon him. Sir Matthew declared, he was so perfectly aware of the bad principle of the coal tax, that he had come down determined to divide the House against it that day; but after what the right honourable gentleman had said, he would not oppose it in the present stage.

Sir John Wrottesley. Sir *John Wrottesley* said, he likewise had come down determined to take the sense of the House against the coal tax; but in consequence of the handsome proposition of the right honourable gentleman, he would not. Sir John declared, the more he considered the coal tax, the more he was convinced it could not be persisted in, without proving the ruin of our manufactures. He offered to wait on Mr. Pitt with any other gentleman, and give him every information on the subject in his power.

Mr. Sheridan. Mr. *Sheridan* earnestly deprecated the honourable Baronet's taking the sense of the House on the coal tax that day. He pointed out the extreme unfairness of opposing any tax in that stage. How could the honourable Baronet know whether every possible objection might not be cured by some regulation or other contained in the bill? How did he know that Scotland might not be wholly exempted from the tax? [A loud laugh] it certainly, Mr. Sheridan said, was possible, and till the bill was before them, no man had a right to contend that Scotland would not be exempted, although he was aware the right honourable gentleman had said, he meant to extend the tax to Scotland. Mr. Sheridan declared, if his worthy friend did divide the House, he would divide with the Chancellor of the Exchequer against him.

The question was then put, "That these resolutions be "read a second time," which was carried, and Mr. Hatsel proceeded to read them one by one.

Mr. Hussey. Mr. *Hussey* rose to say a few words on the taxes. He did not think the coal tax the tax principally objectionable; what struck him as much, if not more so, was the tax on candles. It might, he knew be said, the amount was small, and the poor paid but little to it. The assertion was true; but then it ought to be remembered, that though the tax took but little out of the pockets of the poor, it took it from those who had but little to live on, and nothing to spare. Trifling, therefore, as it might appear to men in easy situations in life, it was a grievous burden

burden to the poor, and as such it had his abhorrence. Having said this, Mr. Hussey went into an examination of the financial part of the budget. He lamented that Mr. Fox was absent, for he wished to have answered some of his remarks on the five per cent. fund. Mr. Hussey thought Mr. Pitt had great merit in funding so much of the unfunded debt as he had done, but why not fund the whole of it? He thought the argument with respect to keeping up the price of a five per cent. fund in the market told exactly the other way from that in which the Chancellor had supposed: he was of opinion, letting it be understood that it would be soon paid off, would most tend to keep up this price — The money lenders, Mr. Hussey remarked, were apt to be inconsistent in their reasonings. Hitherto they had contended, that the quantity of unfunded debt kept the market price of all the stocks down; now, when the right honourable gentleman had wished to fund the whole of the debt, they thought proper to object, and assert, that if the whole was funded, that would keep the stocks low — This was certainly inconsistent reasoning — Mr. Hussey entered very much at large into the defence of a five per cent. fund, and could not but be of opinion, that the whole of the loan would have been better had it been raised in that manner. Mr. Hussey also repeated the question put the preceding day by Mr. Fox, as to what situation the navy-bill holders stood, who should refuse to subscribe to the new fund? This question brought on a long conversation on the subject.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* rose to declare it gave him pain to differ from Mr. Hussey, with whom he generally thought on financial subjects; but he could not approve his reasoning that day: Mr. Pitt contended, that Mr. Hussey's preference of not declaring the five per cent. irredeemable, amounted to an avowal, that it was worth while to borrow five per cents. that year at ninety-three, in order to pay them off at a hundred three years hence.

Mr. Hussey replied, and defended himself from the charge of absurdity.

Ld. Mahon.

Lord *Mahon* attacked Mr. Hussey, and said he had not calculated with his usual accuracy. His Lordship avowed himself a warm friend to a five per cent. considered with a view to redemption. In the course of his speech, he said, he had no doubt, if the Ministry were suffered to go on in the proper way in which they had begun, and to

prose-

prosecuted the good works they had set on foot, but the whole of the national debt would soon be paid. [An universal loud laugh] His Lordship, declared he was glad to hear the laugh, he hoped the Public felt as the House did; it was in that feeling he rested his hopes of the great point he had stated receiving completion.

Mr. Hussey. Mr. *Hussey* answered the noble Lord, and said, happy as he should be to witness the payment of the last shilling of the national debt, yet he was not sanguine enough to expect it.

Sir Charles Myddleton. Sir *Charles Myddleton* said, that what had passed on the subject of the navy bills gave him some uneasiness; if the measure proposed had any tendency to impair the confidence of the money holders in that species or security, it would be severely felt in all future payments by the Navy Board.

Mr Chancellor Pitt. Mr. Chancellor *Pitt* said, that the right honourable gentleman's zeal for a department which he so worthily filled, led him to apprehensions which were ill founded: the measure proposed was an arrangement which the Public had a right to make — He never would allow that the navy-bill holders had a right to be paid at any given time, contrary to the Public convenience; but they had a right, when paid, to have preference according to the seniority of their claims, and that right he considered as sacred.

Sir Charles Myddleton. Sir *Charles Myddleton* answered, that this explanation had fully satisfied him.

Mr. Eden. Mr. *Eden* said, that this conversation between the Comptroller of the Navy and the Chancellor of the Exchequer, had created a very serious doubt in his mind, which he would state to the House — He had no uneasiness for the money holders, who would take due care of themselves; but he felt an anxiety for the public faith, and was confident that the Chancellor of the Exchequer meant not to give any wound to it by the present transaction: but what was the fact? An offer of great extent was made to the holders of navy bills, under which offer they were to receive what was described to be an equivalent in discharge of their bills. Supposing them to accept that proposed equivalent, was it not to all intents and purposes a payment? Suppose, then, the offer to be accepted by the holders of the most recent bills in point of date, and to be decidedly rejected by the holder of the oldest bills; will not the inference be, that those who have a sacred claim from

from seniority to be first paid, are forcibly postponed to others; and if any loss should result to them in consequence, or any inconvenience, will they not be intitled to say that they are suffering by the false faith of the Public? He stated this with the more earnestness, because he was cordially desirous to promote the measure to which this proposition led, namely, the establishment of a five per cent. fund. He would not enter into the niceties and intricacies of that discussion; he had never heard it without suspecting that gentlemen in many parts of it bewildered their own imaginations, and the judgements of those who had listened to them — But he would state one possible case, in which there might be a clear advantage to the Public in a five per cent. fund: suppose the four per cents to rise to par, if there were at the same time a proportion of funds at five per cent. they would rise to above one hundred and twenty; in such a moment, if the nation were able to discharge a part of its debt, the advantage of paying off the five per cents. at par was great and obvious. He must add, however, that he much disliked the condition annexed to the five per cents now proposed; namely, that they were not to be paid off till twenty-five millions of the three and four per cents were discharged — It was a distant and most indefinite prospect, and might be attended with many collateral inconveniences, unnecessary to be described in the various possible circumstances and arrangements of finance.

Mr. Chancellor *Pitt* replied, that he could not admit that the offer of the bill holders could be productive of any breach of public faith — It was a substitution and not a payment; it was a change of denomination of the Public debt, to be made only by consent of the creditors; and such creditors who chose to stand out would have it in their power. Mr. Chancellor Pitt.

Mr. *Sheridan* argued, that this answer was not satisfactory, the word substitution could not change the nature of the thing; if the offer to the bill holders was considered as a payment at par by the holders of the late bills and not by the holders of the old bills; it followed, that a preferable payment was made to those who had confessedly no claim to preference; he placed this idea in several points of view — He added that the navy-bill holders would be more disposed to hold out, because a famous speech of the Earl of Shelburne's, under which the present Chancellor of the Mr. Sheridan.

the Exchequer's ſituation commenced, had expreſſly ſtated, that this mode of payment ſhould be diſcontinued as ruinous.

Mr. Dundas

Mr. *Dundas* anſwered, that his right honourable friend certainly meant to conform to the ſalutary doctrines recommended in the ſpeech alluded to; but it did not vary the preſent queſtion, which was merely an offer to ſuch navy-bill holders as choſe to accept it, leaving the rights of all others unimpaired and untouched.

When Mr. Hatſel (the clerk) came to read the coal-tax reſolution,

The Earl of Surrey.

The Earl of *Surrey* roſe and ſtated his reaſons for oppoſing it; his Lordſhip ſaid, he was convinced the principle of the tax was ſo bad, that no modification whatever could make it ſuch as ought to be adopted. In order, therefore, to afford the right honourable gentleman as much time as poſſible to think upon another tax in lieu of it, he would take the ſenſe of the Houſe againſt it that day.

Sir Herbert Mackworth

Sir *Herbert Mackworth* ſaid, he would not debate the tax then, after the handſome manner in which the right honourable Chancellor of the Exchequer had expreſſed himſelf upon the ſubject, he only roſe to ſtate in one word why he could not approve it. Sir Herbert, then, with great earneſtneſs, urged ſeveral arguments againſt it, and among others ſaid, the poor in many parts of the country might be ſaid to live upon the warmth of their coal fire, and when ſo heavy a tax was laid upon coals, they would be deprived of their chief means of exiſtence.

Mr. Gaſcoyne and other gentlemen objected to it, but ſaid they would not divide againſt it in that early ſtage. At length the queſtion was put;

Ayes, - - - - - - - -	144
Noes, - - - - - - - -	4

The four were, Lord Surrey, Sir William Cunynghame, Mr. Huſſey, and Mr. Stanley.

When the Clerk came to the reſolution relative to ordnance debentures,

Sir Herbert Mackworth

Sir *Herbert Mackworth* roſe, and very ſtrenuouſly pleaded the cauſe of the holders of thoſe debentures; contending, that as they bore no intereſt, and navy bills did after a certain period, the holders of the ordnance debentures

bentures, who had, during the last war been kept out of their money thirty-six months, instead of fifteen only, (which was the utmost period the debentures remained outstanding formerly) were intitled to some favour; and the favour, Sir Herbert said, would be compensated, if as much of the ordnance debentures were paid off, as the debentures up to December, 1782, amounted to.

After a good deal of conversation on this subject and others of the taxes,

The six first resolutions of the Committee being read a second time, were agreed to by the House.

The seventh, eighth, ninth, tenth, eleventh, and twelfth resolutions of the Committee being read a second time, were, with several amendments thereunto, agreed to by the House, and are as follow, viz.

That there be charged for and upon all bricks which shall be made in Great Britain, by whatsoever name or names they now are or hereafter may be called or known, a duty of two shillings and six pence for every thousand, and so in proportion for any greater or less quantity.

That there be charged for and upon all tiles, commonly called or known by the name of plain tiles, a duty of three shillings for every thousand, and so in proportion for any greater or less quantity.

That there be charged for and upon all tiles, commonly called or known by the name of pan or ridge tiles, a duty of eight shillings for every thousand, and so in proportion for any greater or less quantity.

That there be charged for and upon all tiles, commonly called or known by the name of paving tiles, not exceeding ten inches square, a duty of one shilling and six pence for every hundred, and so in proportion for any greater or less quantity.

That there be charged for and upon all tiles, commonly called or known by the name of paving tiles, exceeding ten inches square, a duty of three shillings for every hundred, and so in proportion for any greater or less quantity.

That there be charged for and upon all tiles, other than such as are before enumerated and described, by whatsoever name or names such tiles now are or hereafter may be called or known, a duty of three shillings for every thousand, and so in proportion for any greater or less quantity.

The subsequent resolutions of the Committee being read a second time, were agreed to by the House.

July 2.

On the report of a bill for allowing Sir Afhton Lever to difpofe of his mufeum by way of lottery, and on a motion for enabling him to enlarge the period, the Earl of Surrey made fome farther remarks, and the report, with the amendment, was agreed to.

The order of the day having been moved, for the Houfe to refolve itfelf into a Committee of the whole Houfe, to take into confideration the petition of the Eaft-India Company, the Report of the Court of Directors, ftating the affairs of the Company, and the Report of the Committee of the Houfe, appointed to examine into the facts ftated in the Report of the Directors, and thofe papers having been feverally referred to the Committee, the Speaker left the chair, and Mr. Gilbert took his feat at the table.

Mr. Chancellor Pitt.

Mr Chancellor *Pitt* then rofe and faid, although the papers upon the table involved in them many important and complicated confiderations, that would neceffarily call for a full difcuffion, yet he did not conceive that to be the proper moment to bring the difcuffion forwards, or that he fhould have any reafon to take up any great portion of the time of the Houfe in ftating, what he fhould think it neceffary to fay, preparatory to his making the motion with which he intended to conclude, which would be fimply a motion for leave to bring in a bill for the relief of the Eaft-India Company. Future opportunities of difcuffion of all the affairs relative to India and to the Company would offer themfelves in the progrefs of the bill, and as that difcuffion muft then be held, he fhould not for the prefent go much at large into the fubject. The rife or the downfal of the Company's affairs was an object that was intimately connected with the vigour or decline of the Britifh conftitution, and every effort to extricate them from difficulties was a ftep towards national independence. Whatever the opinions of gentlemen might be, refpecting the courfe that Parliament ought to take with the India Company; however involved their circumftances might eventually prove; or however much the regulation of their territorial concerns might be coupled with political difquifition, ftill it was his duty to enter fpeedily upon the difcuffion of their affairs; and he would do it chearfully becaufe he was confcious of the rectitude of his intentions. When the meafure which he fhould propofe came to be difcuffed, every

every circumstance of the Report would come properly into review; and in the mean time all that was necessary for the motion with which he intended to trouble the Committee, and on which he apprehended there could be little observation, was the general object of the Report, and the immediate measure which was necessary. In considering this, he would draw the Committee to the three principal points in the Company's present necessity.

First, The debts which were due by the Company to the public by the accumulation of duties, and in the discharge of which unquestionably it would be requisite for the Public to indulge them for a time. To postpone the duties for a time was certainly an inconvenience which the Public could hardly bear; but as it was so necessary to the Company, and as the inconvenience to the Public, though material, would not be in any degree to be compared to the injury which they must sustain through the Company, if they should be distressed by forcing the payment; it was therefore his idea, that time should be given to the Company to discharge this debt; but certainly the indulgence should be guarded, and no longer time be given than was actually necessary.

The second subject in this inquiry was, the bills which were drawn upon the Company from India, part of which were now accepted, and part lying unaccepted, or of which notice was received. This was a question infinitely more doubtful and delicate than the preceding—It was easy to comprehend the whole extent of the injury which would be sustained by putting off the payment of the duties; but it was not so easy to perceive all the evils which might follow from suffering the Company to accept the bills which were, or which might be, drawn in India. He wished to act in this matter with extreme caution; and he should certainly be happy in submitting his ideas, and in governing himself by the wisdom of the House, in striking the medium, and settling how far they ought to go, and where to stop in this business.

The third point was the dividend which the Company in their present circumstances ought to make, and which might be regulated in this bill, so as to enable the Company to act on a certain basis, without applying from time to time for authority to do it in a capricious way. These three were the chief points on which he thought it necessary

to animadvert in the preſent ſtage, as the topics on which he was to ground the bill to be brought in.

On the firſt point, namely, the poſtponing of the duties, it was his opinion, that they ſhould be divided into parts, and that indulgence ſhould be given to the Company to the end of the year 1785, for the laſt; that is to ſay, that the duties due up to a certain time ſhould be paid in ſix months from January next, and the remainder, which might be due at the end of the year, ſhould be paid in twelve months. Shorter time he did not think it would be adviſeable to give, for it was better to comply with the Company's requeſt in this reſpect than to tie them down to ſeverer terms, which might afterwards afford them an argument for a freſh application. The right honourable gentleman then proceeded to ſtate his ideas on the ſubject of the bills—Certainly it was neceſſary that Parliament ſhould proceed with the utmoſt caution. Bills to a very conſiderable amount were already received and accepted—Bills to a much greater amount were announced, and more were expected—What was to be done in this buſineſs? The Company ſtated in their Report probable grounds of belief, that they would be in circumſtances to anſwer their demands. They expoſed what they believed to be the real ſtate of their affairs—They acknowledged their preſent embarraſſments; but they ſtated the proſpects on which they made their application to Parliament for leave to ſign the bills which were coming home. It appeared that they owed a debt of five millions in India: the accounts of what they had ſuffered by the war were not yet fully made up, nor could their amount be properly aſcertained; certainly, however, their circumſtances in India were not flattering; but without indulging too warm and flattering ideas on the one hand, or notions too gloomy and dejecting on the other, he was of opinion that there were rational proſpects of the Company, and ſuch as would juſtify the Houſe in authoriſing them to accept of the bills of which they had received notice. He muſt ſtate, however, that this rational hope could only be ſuſtained by the moſt rigid and inflexible œconomy—The eſtabliſhments muſt pay the ſtricteſt attention to principles of reform, and even of parſimony—Orders muſt be obeyed, and the ſyſtem amended throughout—There were but two ways of recovering the Company—the one, that their commerce, by the regulations to be made here, ſhould be rendered more productive than

of

of late; or that arrangements should be made in their presidencies, and resources be found there to maintain the expence of their support, without coming on the beneficial part of the Company's trade at home. To accomplish both these objects was what he most desired to see — He had hopes that the beneficial trade to China might be amended by regulations in the revenue laws at home — and he trusted that wise regulations at home, properly enforced abroad, might carry reform through the presidencies. With this view, and in this hope, he was of opinion that the Company should be suffered to accept the bills of which they had received notice, and which were, in truth, necessary to the support of their credit.

It was not for him to dictate to the united wisdom of that honourable House; if it did become him so to do, he would certainly recommend a speedy but prudent generosity — The wisdom of the schemes which were then to be adopted, would for ever determine the consequence of the East-India Company. Their future as well as their present credit was at that moment depending, and upon their credit was depending, in an eminent degree, that of the whole British empire. It was therefore incumbent on that House, to determine quickly what course they meant to take. He could not suffer himself to think that they would permit the affairs of the Company to become desperate, by an enormous accumulation of bills; He trusted that they foresaw the danger of such an event, and that they would step forwards with prudence and liberality to obviate its consequences. From the late enquiries which he had made into the state of the Company's finances, and from the very ample and satisfactory accounts which he bad obtained in consequence of those inquiries, he had no room for entertaining a single idea, that the Company would not, at the periods he had mentioned, be able to fulfil every engagement which they had come under to the nation. There might be circumstances, in the progress of their affairs, that might disappoint their best-founded expectations, and render their systems of payment abortive. They might experience drawbacks from the extent of insurances on their ships and goods, or from the loss of ships and goods that had not been insured — These were contingencies, against the approach and effects of which no human sagacity could provide — At that moment they were unseen, and he hoped at a great distance. There was, he owned, a very heavy debt

debt ſtanding againſt the Company in India: but then he begged leave to communicate to the Houſe, that the aſpect of things in that quarter was by no means ſo unpleaſant and gloomy as it had been frequently repreſented: he could, without giving any high colouring to what now exiſted in the Eaſt, aſſure this country, that a few years tranquillity, a ſyſtem of exertion and frugality, would undoubtedly render our Indian poſſeſſions affluent and proſperous. That aſſurance he gave with much pleaſure; becauſe he believed that India would now enjoy that peace, and that Parliament would enforce that active œconomy, which the preſent ſtate of affairs ſo ſtrongly recommends. He then explained his ideas on the ſubject of the dividend, and concluded with moving "That the Chairman be directed to move for leave "to bringin a bill to go to theſe points."

Mr. Francis Mr. *Francis* roſe to aſk a queſtion of information from the Chancellor of the Exchequer. Obſerving that it was propoſed to bring in a bill to permit the Court of Directors to accept draughts to a very conſiderable amount, which they were now by law reſtrained from accepting, and that the firſt effect of ſuch an act would be to prevent the bills being proteſted for non-acceptance, he wiſhed to know whether, in the opinion of the right honourable gentleman, the faith of the Legiſlature would be thereby pledged to the holders of the bills in any, and in what degree, to make good the payment, if it ſhould happen, that when the bills became due, the Court of Directors ſhould be unable to diſcharge the whole or any part of them. That as the bills now propoſed to be accepted, with others, which would ſoon ſtand in the ſame predicament, amounted to ſome millions ſterling, it was a very ſerious national conſideration, whether Parliament ought, in any ſhape, directly or indirectly, to make itſelf reſponſible to the creditors for the payment of their demands.

Mr. Francis farther obſerved, that Mr. Pitt had expreſſed a ſanguine hope that great retrenchments would ſoon be made in the Company's expences in India, and a rigid œconomy obſerved hereafter; and that he had argued on this hope, as if it amounted to a perfect ſecurity; but that for his part, he could not conceive on what foundation ſuch hopes of future œconomy were entertained, unleſs they were derived from a knowledge of the groſſeſt prodigality and profuſion, which, it was not denied, had prevailed, and ſtill exiſted in India. That, with reſpect to the prohibition

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of future bills being drawn on the Directors, however positive and strict it might be, it would assuredly be found ineffectual; for that, in the case of pressing exigencies abroad, there might be no other resource, and necessity would then compel the Company's servants to have recourse to this measure. The similar prohibitions, in time past, had been as strong as they could be; but that reasons, whether real or exaggerated, had never been wanting, for instantly doing the very thing that was forbidden.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed in reply, that the honourable gentleman had put a question to him, which any other gentleman was just as competent to answer as he was, because it was not a question that had relation to any fact, but a question that referred solely to a matter of opinion. For him, therefore, to lay down the opinion of the House upon the question, would be an unpardonable presumption; his own opinion upon the case put to him, he was very ready to declare that moment; and his own opinion was, the Public had no occasion to have any security, because they were not answerable for the debts of the Company. Mr. Pitt declared, he had been perfectly astonished, when on former occasions he had heard it seriously contended, that when Parliament empowered the Company to accept bills, it pledged the public faith for the payment of those bills, and was bound to provide for their discharge, in case the Company should fail to honour them when presented. This language was so palpably, fallacious, that he imagined those who held it most loudly had not believed what they said at the time. The fact undoubtedly was, the Public were in no way affected whatever by the authority about to be given to the East-India Company; for what was the authority in question, but an authority to make use of their own credit and property? What had the Public to do with either? They were neither involved directly nor indirectly, it being the credit and property of the East-India Company solely, and not the credit and property of the Public, that the holders of the bills considered and accepted as their security for the amount.

Mr. Fox.

Mr. *Fox* said, he was perfectly aware, that when Parliament or the Lords of the Treasury, authorised the East-India Company to accept bills to a greater amount than the 300,000l. to which they were limited by the regulating act of 1773, the Public was not legally bound, in like manner, as a private individual was bound, when he indorsed a bill

or a note of hand, to make good the payment in case the person who ought to pay the bill failed so to do; but he must still contend, that when Parliament acted as it had done with the East-India Company, when it took their affairs wholly under its cognizance and examination, and after that authorised and permitted the Company to accept bills beyond the limit to which they were restricted by a former statute, Parliament in that case held out to the Public, that it was its opinion, that the bills so accepted might be prudently, discreetly, and safely taken; and by so doing, Parliament, from every principle of honour and justice, was bound, though certainly not legally bound, to take care that the Public should be no loser by trusting to the opinion it had induced them to entertain.

Mr. Dundas

Mr. *Dundas* said, he was extremely happy to find the important point then under discussion agitated so early in the debate. It was of infinite consequence, that if a doubt remained floating on any man's mind on the subject, it should be wiped away. In order to clear up these doubts, if any there were, he had risen. Nothing, he said, could be more certain, than that the Public, if the bill should pass, allowing the East-India Company to accept bills to a greater amount than the amount to which they were restricted by the regulating bill of 1773, was in no way pledged, either directly or indirectly, to make good the payment of those bills in case the East-India Company should fail to discharge them. In order to see this more clearly, gentlemen had only to refer to the cause of the restriction's having been originally imposed on the Company, and the manner in which that restriction was to be governed and to operate. In 1773, the question to whom the territorial acquisitions made by the East-India Company's troops belonged, was so far agitated, that a claim was set up by Parliament, to a share of profits made by the Company; and in order that such claim might not be inequitably urged, so as to trench upon what might be supposed to be the clear commercial gains of the Company, it was agreed, that the Company should divide eight per cent. every year that their aggregate profits amounted to so much; after which the Public were to come in for their share, and to divide with the Company equally: but in order to prevent the Company from depriving the Public of the right thus established, and in order to prevent them from appropriating the whole remainder of

their

their profits to the payments of bills that might be fraudulently ſent over from India, they were reſtricted from accepting bills beyond a limited amount, without the expreſs conſent of the Lords of the Treaſury. The queſtion then came preciſely to this point—From what was it that the Legiſlature had reſtricted the Eaſt-India Company? Undoubtedly, from making the remainder of their profits liable to the payments of the bills, accepted by them; in other words, from a free uſe of their own credit and their own property. Thus much, therefore, he was ready to admit he did, when he gave his conſent to the Company's accepting more bills than to the amount to which they were reſtricted by the regulating bill, viz. he gave up on the part of the Public, their claim to a dividend on the credit and property of the Company to ſo much amount, as the amount of the bills they might accept; but to ſay that he pledged the Public, directly or indirectly, in any way whatever, to make good the payment of thoſe bills, was a fact which he flatly denied.

Mr. *Fox* adhered to his opinion, notwithſtanding what had been urged by the learned gentleman; for, as he had a right to preſume, that people would not advance their money to the Company in its preſent diſtreſſed ſituation, if they thought it ſtood unſupported by the Public, ſo he had a right to argue, that their advancing their money, as ſoon as the Treaſury ſhould conſent to the acceptance of the bills, was to be ſolely aſcribed to the idea, that as Parliament and the Public ſtood in the light of guarantees, that the Company's reſources would be found equal to all its engagements; and, therefore, if theſe reſources ſhould afterwards fail, the nation might well be thought by the bill-holders a ſecurity for the payment of the bills. Mr. Fox.

Mr. *Jenkinſon* agreed with the Chancellor of the Exchequer and Mr. Dundas in thinking that the Public would in no ſhape be bound by the permiſſion which they gave to the acceptance for the payment of the bills. He was always of opinion, that the Public were not in any degree whatever reſponſible for the credit of the Company. The community at large were in ſome degree affected by whatever preſſed on individuals; and individuals ſtood in this relation to the whole, in proportion to the extent of their property; ſo that the national credit and that of the Eaſt-India Company had no other connection than that which inviolably ſubſiſted between the country in general and every other trading ſtock. Mr. Jenkinſon.

The opinion of Parliament did not, therefore, bind the public funds with any additional burden, whatever might be the fate of this Company. He did not, for his part, apprehend the Treasury in the smallest degree answerable for those bills, any farther than affected by the solvency of the Company, or its ability to satisfy all its creditors to the full. The House of Commons only exercised its own judgement, which could not have any influence whatever in compelling the constituents of that House to make good the debts of the Company. Though Parliament were at present of opinion the affairs of the Company were promising and prosperous, the nation was not in consequence pledged that those encouraging circumstances should in no future period undergo the least alteration. All reasoning which regarded futurity, he was satisfied, was liable to misconstruction and misapprehension; but he should ever be of opinion, that the Company only was responsible for its own credit; and that those who possessed stock on any other principle were in an error, which, however, he trusted might prove an harmless one, but which, in the event of a failure in the Company, would draw along with it the most fatal and distressing circumstances. He, for one, should be extremely sorry indeed, to find the Public loaded with all the debts of all the corporations and trading companies, to the affairs of which some interference of Parliament might have been found necessary. This would hang like a millstone about the neck of the nation, and must inevitably sink our credit for ever. But the fact was otherwise. No one ever dreamt of such a thing; and he was happy to foresee that the event would not occasion bringing the matter to an issue.

Mr. Francis.

Mr. *Francis* said, Sir, the answer given by the right honourable gentleman is sufficiently clear and precise, and, as far as his opinion goes, certainly precludes all idea of Parliament's becoming answerable, at any time, for any consequences with which its own act, in this respect, may be attended. But I confess, Sir, that the answer, though clear and determinate, is, to my mind, by no means satisfactory. I never imagined that Parliament would, in any case, be strictly and legally bound to discharge the bills, as an indorser would be, or that the creditors would have an action against Government; but I did, and do still apprehend, that by the act proposed, the public honour would be in some sort engaged to those persons, who, confiding in the wisdom and justice of Parliament, would not conceive it possible that the

the Legislature, assuming and exercising, as it does, a constant control over the Company's affairs, would take off an existing restraint, and give the Company an express permission to engage for the payment of demands, which Parliament was not perfectly assured that the Company would be able to discharge. The sense of the Legislature, to this effect, will be declared by the permission it gives, which the creditors will conclude is founded on a strict inquiry and certain knowledge, and which, therefore, they will receive, and are entitled to consider, as a parliamentary security. My question, therefore, was not unseasonable or superfluous. It appears that a different opinion prevails on this side of the House, (turning to Mr. Fox, at which the Treasury Bench laughed.) I never knew till this day, that the right honourable gentleman near me had started a doubt, at any former time, on this subject. I am not a party man in this or any other question. I have not the honour of living in any habits of acquaintance with the right honourable gentleman, nor do I believe that I ever spoke fifty words to him above once in my life. My doubts arose upon the instant, and while the right honourable gentleman opposite to me was proposing that part of his intended bill. Surely, Sir, there is nothing very absurd in the distinction between a legal and an honourable obligation; and though I do not contend that the claim of the creditors can be inforced by a legal process, I still think that, if this act passes, they will have a powerful claim upon the public equity and the public faith. At all events, Sir, since a doubt appears to exist, and since it is possible that the parties concerned may view the security held out to them in the same light that I do, I think it would be adviseable to insert a clause in the bill, declaring the sense and intention of the Legislature to be, that they do not vouch for the security which they permit to be given, and that they are in no sense engaged at any period to make it good. By such a declaration it cannot be denied that Parliament would stand clear of all claim on the part of the creditors. But even then, Sir, we shall not have done all that we are in duty bound to do. We are not only bound to preclude the possibility of any claim being urged against the Public, but we are to take care not to suffer Parliament to be in any shape partakers in an error, or accomplices in a deception that may possibly mislead, or be practised by others. The Directors say they shall be able to discharge the bills in question at certain stated periods. Before we

give them permiſſion to undertake this engagement, let us be very ſure that they will be able to perform it. Their accounts are before us; your Select Committee have gone into a ſtrict examination of them, and have made you a Report. Let us ſee what the reſult of it is. I have examined theſe accounts and Reports with all the diligence and attention in my power; and I mean, if the Houſe will allow me, to ſtate briefly what concluſions I have drawn from them; but, as the matter is in itſelf extremely dry and intricate, and as it is difficult even for men of longer practice and greater ability than I pretend to, to ſpeak clearly and intelligibly upon long and perplexed calculations, I muſt ſolicit a great deal of indulgence. I am not accuſtomed to ſpeak in public; and I very much fear, that, although what I have to ſay is clear enough in my own mind, it will appear in great diſorder. But before I enter into this part of my ſubject, I have one obſervation to make, in reply to many things that have been eloquently urged, and ſtrenuouſly inſiſted on, by the right honourable mover of the bill. He expreſſly admits, that great and boundleſs prodigality has exiſted in the management of the Company's affairs, and that the ſervants abroad have been guilty of repeated acts of the groſſeſt and moſt daring diſobedience of orders. From this ſtate of facts he makes a ſudden tranſition to a different proſpect, and looks forward to an oppoſite ſyſtem, without any *data* that I can diſcover, unleſs it be the uſual promiſes of unuſual vigour on the part of the Directors, and of thrift and ſubmiſſion, equally unuſual, on the part of their ſervants. From premiſes ſuch as theſe, and which have exiſted in as much apparent force during the laſt twenty years as they do at this moment, the right honourable gentleman rapidly concludes, that obedience and œconomy will infalliby prevail hereafter. It may be ſo. The right honourable gentleman's ſpeculations may be better founded than mine. I ſhall leave him in poſſeſſion of his hopes, without relinquiſhing my own fears; obſerving only, that there is this eſſential difference between us, that my apprehenſions are founded in experience, and that his expectations are oppoſed to it.

Sir, I propoſe to conſider the actual ſtate of the Company's affairs, as repreſented in the papers before us, under four principal heads; premiſing only, that I ſhall content myſelf with ſtating groſs ſums under each head, and not attempt to enter into a detail of the articles of which the totals

tals may be composed, as I do not believe it possible to make such a detail intelligible to the House. With respect to assertions, or mere matters of fact, I must desire it to be understood, that I constantly ground myself on the authority of the Report from the Select Committee, and take their assertions for granted, having no other test or evidence by which I could canvass the statements produced by the Court of Directors, but the documents produced by your Committee. I am, therefore, not answerable for any thing, but for the use I may make of those materials.

The Court of Directors, in their First Report, have laid before you an estimate of receipts and payments in England for a period of six years, ending in March, 1790, which they support by another estimate of the value of goods remaining now, or to be imported into England within that period, and of the funds out of which such goods are to be provided. On a rough computation of the amount of several articles of credit in this latter estimate, to which your Committee have objected, and of several articles of debit, which the Directors have either under rated, or not charged at all, I am of opinion, that on their six years estimate they have taken credit for at least three millions too much. Other calculations, made by gentlemen who understand the subject better than I do, carry the deficiency much higher, and even to the amount of some millions more than I have. My computation, I am sure, is much within the truth.

The Directors, in another paper, (No. 4) have exhibited an estimate of what they call their neat revenues in India in time of peace, and of the annual established charges to be defrayed out of them. Availing myself of the remarks which your Committee have made on this account, in which I intirely concur, I say, that the Directors have under rated the charges to the amount of 882,080l. a year, which, in six years, will amount to 5,292,480l.; that they have omitted to provide for the interest of their bond debt in India, to the amount of 400,000l. a year, which, in six years, comes to 2,400,000l. and that they have taken credit for an increase of revenue from Benares, and from the Calcutta customs, to the amount of 292,500l. which, I am convinced, will never be realised, and which, in six years, will amount to 1,755,000l. These several sums taken together, come to 9,747,480l. from which it will result, that, instead of having an annual surplus in India of 1,091,546l. as the Directors have stated, the annual balance against their Indian

revenue

revenue will be 1,624,580l. and yet nothing allowed for victualling the King's ships and pay of regiments, which already amounts to 782,391l. and that the whole over credit, taken by the Directors in the above two estimates, amount to 12,747,480l. on the estimated period of six years.

The third material point to be considered is the amount of bills unpaid, and already drawn or expected by the Company; and these, by a paper produced to your Committee, (Appendix, No. 7) appear already to amount to the enormous sum of 4,819,236l. The Directors, in their estimate, suppose that bills may be drawn to the amount of 5,655,668l. in the whole period of six years, and for that demand they profess to make a provision. It appears then, that by far the greatest part of the sum, so provided, is already absorbed, and that only 836,432l. is left to answer all the bills that may be drawn in the four last years of the estimated period.

The amount of the Company's debts in India comes next into view; and however lightly it may be valued by the Court of Directors, or how little soever those gentlemen may profess to regard the pressure of such a burden, or confidently to rely on the means of removing it, undoubtedly it will be considered by this House as an object of the most serious and alarming nature. I shall content myself with stating the facts to you, and leave them to your reflections without farther comment.

I find by the Report of the Directors, corrected by your Committee, that the debt in India amounted, by the last advices, to 6,192,207l.* and this you are told is likely to be liquidated in process of time, partly by the appropriation of certain debts charged upon some of the ruined princes and insolvent renters of lands in India, to the amount of 2,470,394l. of which the Directors themselves suppose a considerable part to be bad, at the same moment that they take credit for the whole of it, which I am of opinion is not worth a shilling. The other fund, out of which the debt is to be discharged, is to consist of supposed savings out of a

* Debts stated by the Directors - -	4,799,707
Outstanding at Madras - - - -	500,000
New loan, Bengal - - - -	562,500
Arrears of Peshcush - - - -	330,000
	£6,192,207

supposed

supposed annual surplus of revenue in India, stated by the Directors at 1,091,546l. which ought, in truth, to be converted into an annual deficiency of 1,634,580l. by which their debts will be annually increased instead of diminished. In this statement of the bonded debt, I find nothing charged for outstanding debts at Bombay, which must be considerable. No account of them is produced. But you may judge of the condition of public credit at that presidency from this extraordinary fact: by the last advices their bonds, bearing an interest of nine per cent. were at fifty per cent. discount, and the government were not possessed of a rupee to pay either principal or interest.

There is another paper or estimate before you, which certainly would deserve the most attentive consideration of the House, and which I should have examined with the strictest care, as the matter of it falls within my own knowledge rather more than any other part of the present subject, if certain other accounts, by which alone the truth or fallacy of this estimate could be ascertained, had been produced by the Directors. The account I speak of is an estimate of the probable receipts and disbursements of the Bengal Government for one year, from April, 1783, to April, 1784. You may remember, Sir, that when I moved for a copy of this estimate about a fortnight ago, I did at the same time desire, that the accounts of the actual receipts and disbursements, up to the latest period to which they were received, might be laid before the House I find now, Sir, that, although you have an estimate of probable receipts and disbursements to April, 1784, you have no account of actual receipts and disbursements later than to April, 1781, and your Committee tell you, that no later accounts have been sent home. Now, Sir, this fact alone is to me, and, I dare say, will be so to the House, a just and sufficient reason for rejecting and discarding the estimate at once, as a paper which has no claim whatever to our confidence, and to which no sort of credit is due. The accounts of the actual receipts and disbursements of one year, is the natural, necessary, and indispensable foundation of the estimate of the next. The first is the official, the true, and, indeed, the only evidence by which the second can be supported. You cannot officially say, that an estimate of the ensuing year is true, or even that it is probable, unless you have the power of comparing it with the actual accounts of the collections and expences of the preceding years. To withhold such evidence

evidence is, in the first place, a very criminal neglect of duty in the servants abroad: to expect that, without it, the Directors should place any confidence in their estimates, is, in my mind, an instance of presumption; and, finally, they force us to this obvious and natural conclusion, that not only their estimate deserves no credit, for want of the documents that naturally and necessarily belong to it, but that those documents would not have been withheld, if they did not exhibit such a view of the Company's affairs as the servants abroad did not dare to send home. From the premises I have stated, I have a right to the conclusion; and though hereafter it should appear that, in fact, the state of things abroad were better than I presume it to be, the parties have no right to complain, since the conclusion I draw to their disadvantage is founded on their own act, or, rather, on the omission of an essential part of their duty. For these reasons, Sir, I shall treat this estimate, as I think the House ought to do, with perfect disregard. One observation only occurs upon the face of it, which I borrow from your Committee, and which certainly is too material to be omitted. The estimate acknowledges a balance against the Company of fifty-six lacks of current rupees, which it allows to be the exceeding of the expence beyond the resources of the year in question. To this great sum your Committee have added two other articles of over credits taken, which increase the annual deficiency to one hundred and twenty lacks, or to 1,350,000l.

Permit me now, Sir, to consider the Company's affairs in another point of view. Let it be supposed for a moment, that all the calculations made by your Committee go upon false facts, or upon mistaken principles, that all their conclusions are false, and all their objections groundless. Supposing all this were admitted by me, and taken for granted by the House, there still remain two considerations, which, on the principles assumed by the Court of Directors themselves, attack the whole fabric of their accounts, and shake it to its foundation. The first of these considerations belongs, in a more especial manner than perhaps any other, to the department and office of the Chancellor of the Exchequer. I mean only to bring it into view, and to draw his attention to it. The Court of Directors suppose, that in the course of the year 1784, the Company may be able to sell the bonds which have been paid in lately at their sales, and hereafter to keep in circulation the sum of two millions of

of bonds; and they admit, that if this cannot be done, the bonds may be paid in at the sales instead of cash, and all present estimates be thereby set aside. The fact is, that on the 31st of May last the bonds, which either they had not been able to issue, or which had been paid in again at their sales, amounted to 587,200l.; and on this point your Committee properly and judiciously observe, "that it appears "very doubtful whether the circulation presumed by the "Directors can take place under all present circumstances, "and subject to a plan of management which implies a de-"crease of disbursements and an increase of receipts." The Chancellor of the Exchequer has informed the House, that it makes part of the plan of the present year, to circulate three millions and a half of Exchequer bills on account of Government. Now, Sir, it is for him to consider whether these two circulations of paper can exist together, to the extent that is proposed, and whether one of them will not materially affect and embarrass the other. The question, I confess, is beyond my reach; and I do not presume to offer an opinion upon it.

Of the second great consideration, which, as I apprehend, annihilates all the estimates of the Directors at once, I am a little more capable to judge. The House undoubtedly has observed, that all these estimates go upon one principle, or, rather, upon one presumption, viz. that peace exists in India, and that it will exist, without interruption, to the end of the period to which the estimates are carried. In their Second Report they say, that, "from all their advices, "there appeared no ground to doubt but peace would very "soon be made with Tippoo Saib, and be thereby com-"pletely established over all India." You will recollect, Sir, that I took the liberty some days ago, (16th June) to express a different opinion on this subject, and stated to the House that I had reason to suspect that the Directors were not completely warranted in making this declaration to Parliament. At all events, I thought it extremely necessary that the House should see on what specific ground such assurance of peace was adopted by the Directors, and solemnly delivered to Parliament. You may also recollect, Sir, with what slight and disregard that proposition was treated. It was expressly called improper and premature, as if I had grossly injured the Directors by questioning the truth of their assertions, or wished to injure the Company by divulging their political secrets. It now appears, I think,

 that

that my queſtion was not quite ſo abſurd and groundleſs as it was then repreſented. Such a queſtion of fact could not be a matter of indifference at any time, and eſpecially at a time when the ſuppoſition of peace was made the foundation from which the actual and future circumſtances of the India Company were to be inferred; and when, from that inference, meaſures of practice were to be inſtantly reſolved on. If there be peace in India, the principle of the calculations made by the Directors is ſo far ſupported. Armies may then be reduced, and expences may then be retrenched; but if you reverſe the fact, the Directors are obliged, by their own way of reaſoning, not only to relinquiſh their concluſion, but to reverſe it. As long as a war continues in India, not only no retrenchments can be made, but the ſame cauſes of expence which have brought the Company to their preſent diſtreſs, muſt continue to operate; and every ſuppoſed ſaving, for which they have taken credit with as much confidence as if they had the produce of it in their treaſury, muſt be converted into an exceeding of expence.

You have now upon your table, Sir, a letter from the Governor General and Council of Fort William, dated the 7th of February laſt, to which the attention of the Houſe has been particularly called, and which certainly deſerves it. In this letter you are told, "that the negociation for peace "does not promiſe ſo much ſucceſs as firſt appearances "led to expect; that the ſteps which Tippoo had taken, "were ſuch, as left Nana little or no hopes of his acqui- "eſcence in the treaty, and that the Select Committee of "Madras, were endeavouring to get their army into the field "as faſt as poſſible." Such is the pacific ſtate of your affairs in India, notwithſtanding the poſitive aſſurances very lately given you by the directors, "that there appeared no grounds "to doubt but peace would very ſoon be made with Tippoo "Saib, and be thereby completely eſtabliſhed over all India." In this place, Sir, it is fair in me to obſerve, that, when I moved for papers, tending to eſtabliſh the probability, if not certainty, of peace in India, it was conſidered as a propoſition dangerous to the Company's credit, and leading to a diſcovery of the important ſecrets of their ſtate. But now, it ſeems, there is no ſort of danger in divulging intelligence which eſtabliſhes the certainty of war. The moment theſe advices arrive, they are laid before the Houſe, and inſtantly ordered to be printed and publiſhed. Undoubtedly it was

right

right to do so — Transactions in India cannot be made too public: in truth, there is no danger from any thing but concealment. But how is it possible to reconcile the objections made to the production of the papers moved for by me, with the instant publication of the present intelligence?

By the same conveyance, the House is in possession of an extraordinary letter from Mr. Hastings. Considering the eagerness with which it is produced, I presume that some important conclusions are meant to be deduced from it. — On this letter I shall beg leave to offer you a few observations. I am thoroughly acquainted with Mr. Hastings's stile, and with the rapidity of his invention — I know the powers of his pen, and how implicitly he confides in them — I know that, between a feeble memory and a brilliant imagination, he is apt to fall into such a total misconception of facts, as would be very distressing to his argument, if it were not united with an unlimited command of words. Mr. Hastings tells you, Sir, "that, during a period of five years, "he has maintained a continued and desperate state of war "in every part of India." Hitherto, Sir, this war has been called prosperous; hitherto you have heard of nothing but compleat victories and decisive successes in every quarter — Hitherto the state of the war has been represented to be successful. But now, it seems, the facts are suddenly altered — It now answers the purpose of the moment to confess the truth — Your distresses are acknowledged, in order to exalt the wisdom, the vigour, and the policy, by which they have been relieved. What yesterday was prosperous, to-day is desperate.

Proceeding in a narrative of events which he persuades himself may have happened, Mr. Hastings assures you, "that he has supported your other presidencies, not by "scanty and ineffectual supplies, but by an anxious antici- "pation of all their wants, and by a most prompt and libe- "ral relief of them." If this description be correct, Bombay and Fort St. George must have been nurtured in the lap of luxury. It is impossible that, in the very period referred to by Mr. Hastings, they should have incurred a debt of two or three millions, and drawn upon the Directors for a million more. Yet the accounts on your table suppose that they have done so — He says, "that he has assisted the China "trade, and provided larger investments from Bengal than "it had ever furnished in any given period of the same "length;" and then he solemnly and deliberately concludes,

"that, in the performance of these services, he had sought "but little pecuniary assistance from home; and that, unwilling to add to the domestic embarrassments of his honourable employers, he had avoided drawing on them "for supplies on many occasions that would have justified "him in seeking such assistance." Mr. Hastings, I conclude, keeps no account of his drafts on the Directors; or, perhaps, he supposes that they keep none. Unfortunately for both parties, the accounts exist, and are now upon your table — By these it appears that, exclusive of bills already paid by the Company since the commencement of the war, and which must have amounted to a very considerable sum, the bills now received or advised from Bengal alone, and not paid, amount to 3,416,285l.! and this is the proof of Mr. Hastings's unwillingness to add to the domestic embarrassments of his honourable employers.

I shall not enter minutely into the flattering account which he thinks it suits his present situation to give you, of the prosperous state of Bengal — It is no easy matter to refute general assertions concerning an object so far removed from your view; nor would it be fair, perhaps, to canvass the literal veracity of a poetical description. Mr. Hastings's judgement, now and then, is hurried away by his genius. He abandons himself to his pen, and writes, *currente calamo*, whatever the convenience of an instant argument dictates to his mind, without reflecting on any thing which the service of the moment might have engaged him to say yesterday; or looking forward to any thing which the spur of the occasion may incite him to say to-morrow. But to a description which it is not in my power to confute, he has added some specific evidence, which I shall take the liberty to examine, because it is of an examinable nature in itself, and happens to be familiar to me.

To prove to you the flourishing circumstances of his government in December last, he sends you a state of the treasury of Fort William, of the same date with his letter; and I freely admit, that the evidence of this document is properly appealed to. The proof produced directly relates to the proposition, and is strictly applicable to it. With respect to the ability or disability of the government of Bengal to carry on current services, to answer immediate demands, or to provide for actual expences, the balance of quick stock, let it be ever so great, proves nothing. Property of any other kind proves nothing. The state of the Treasury, especially if taken at a favourable period, is the true test of the

the ability of Government and of the resources of the country. The Treasury at the Presidency is the grand reservoir into which the collections from the other treasuries necessarily and naturally flow. It may be accidentally drained by a sudden demand, but, in the ordinary course of the collections, it will soon be replenished. Whereas, if the reservoir be dry, you may be perfectly assured, that all the sources and all the channels by which it was supplied are dry likewise. Now, Sir, having acknowledged the competence of the evidence, let us consider what it proves. The first article in the account, as it naturally ought to be, is that of ready money; and, after all you have heard, would you believe it possible, that in the treasury of a country, whose annual revenue is computed at four or five millions, and which, as Mr. Hastings assures you, has enjoyed the clear and uninterrupted sunshine of wealth, peace, and abundance, there should be only five thousand five hundred, and that too at a favourable period of the collections, as the months of November and December unquestionably are? In other assets and securities, credit is taken for about forty thousand pounds more; and this was the whole of the existing fund of the flourishing government of Bengal.

The existing demands against it are not confined within the same limits. On the face of the account, the acknowledged debt against a fund of fifty thousand pounds, exceeds two millions; yet even this debt is not stated as it ought to be. While I was in the government of Bengal, the amount of orders of council on the treasury issued, and not paid, was always stated at the foot of the account. In this account that article is omitted; and I find by another paper that it amounted to current rupees 59,33,735, or above 600,000 l. It is proper the [illegible] should be apprized, that heretofore these orders were [illegible] considered like bank notes, equivalent to ready money, and that they are hawking about Calcutta at four per cent. discount. The treasury of Fort William, in effect, is shut; or it is only open for the purpose of receiving money for drafts on the Directors. Neither is this all the debt in Bengal: a quantity of treasury certificates, of which the amount does not appear, are circulating at eight per cent. interest. Of these no notice is taken in the state of the treasury; though, in effect, they make part of the bonded debt, and ought to be added to it.

In farther support of his letter, Mr. Hastings has sent you an estimate of the probable receipts and disbursements in Bengal for five months, ending in April 1784. In the first place,

place, Sir, a paper of this nature, if it pretends to official authority, or if it lays claim to official credit, ought regularly to be recorded on the consultations, and transmitted by the Governor general and Council collectively to the Court of Directors. The forms of the government established by law, both abroad and at home, require that course of proceeding, and acknowledge no other. But waving this objection, I insist upon another, which I have already urged against the estimate for the whole year, that it is not even now accompanied by that evidence, by which it ought to have been long ago preceded: I mean the account of the actual collections and disbursements of the preceding years. It is not, therefore, in my power, if I were ever so well inclined, to enter into the specific merits of this estimate, much less to ascertain the probable truth or falsehood of the credit given or taken in it. One observation only is sufficiently obvious, and that, perhaps, may be thought decisive. Mr. Hastings forms a partial estimate of receipts on the five most productive months of the year, for in some months the collections are very heavy, and in others produce nothing; yet he has been forced to leave an acknowledged balance of twelve lacks, or 125,000l. against even that conjectural estimate, and notwithstanding he has taken credit for twenty-five lacks, or 260,000l. for new drafts to that amount, to be drawn on the Court of Directors, and to be applied to the service of the five months in question.

These instances, I believe, may be sufficient to convince the House, that Mr. Hastings's judgement does not travel quite so fast as his imagination. Undoubtedly he is a person of uncommon abilities. No man knows them better than I do. No man has tried them more than I have done. And yet, Sir, it is a most singular truth, that, during his whole government, almost all his schemes have defeated themselves, that his most peremptory and deliberate political opinions were those, in which he has found himself most completely deceived; and that he has repeatedly been duped by the Indian princes, who, though far inferior to him in talents, have an advantage over him in other qualifications. On this subject I cannot appeal to better evidence, or to more powerful authority, than that of the learned gentleman opposite to me (Mr. Dundas). He has made himself master of all the late transactions in India, and has reported them copiously to the House. He will therefore support me if I am right, or correct me if I should be mistaken about the facts I am going to mention. For more than two years together

Mr.

Mr. Haſtings had ſtudiouſly cultivated, and perſuaded himſelf that he had gained the friendſhip of a Marattah prince, called Moodajee Booſla, the Raja of Berar. On the ſtrength of a ſuppoſed concurrence of views and union of intereſts between himſelf and the Rajah, Mr. Haſtings, in the year 1778, formed a plan of conqueſt and ambition, the object of which was nothing leſs than to diſmember the dominions of the Nizam of the Decan, and to ſubdue the whole Marattah empire. Mr. Haſtings entered directly upon the execution of his part of the project, but never, never, could prevail on his friend Moodajee to join him. On the contrary, it was diſcovered, after two years negociation, during which the Rajah paid many compliments to the profound wiſdom of Mr. Haſtings, that, during all this time, he had been employed in forming an offenſive alliance between the Marattahs, the Nizam, Hyder Ally, and himſelf, for the purpoſe of extirpating the Engliſh out of India. In the midſt of the warmeſt profeſſions of friendſhip for Mr. Haſtings, this worthy prince ſent an army to the frontiers of Bengal, which Mr. Haſtings was at laſt obliged to buy off with three hundred thouſand pounds of the Company's money, beſides a ſupply of ſubſiſtence while they ſtaid. Allow me to mention another ſtriking inſtance of the fallibility of Mr. Haſtings's politics. He never could be perſuaded that it was even poſſible that Hyder Ally ſhould invade the Carnatic, He ſaid then, what he does now of Tippoo Saib, that it was utterly incompatible with his views, intereſts, and political ſituation, to engage in a quarrel with the Engliſh power; and I confeſs he ſupported his opinion with ſo many plauſible arguments, that I myſelf began to think he might have reaſon on his ſide. In three or four months after the delivery of theſe opinions in Bengal, Hyder Ally invaded and overran the Carnatic.

But I need not go back for proofs of the facility with which Mr. Haſtings ſuffers any favourite idea to miſlead him. In the letter now before you, of the 16th of December, he aſſures the Directors, that "a ceſſation of hoſtilities "has taken place with Tippoo Saib, and that in all probability "it would be followed by a confirmed peace;" and then he proceeds to aſſign many admirable reaſons for concluding that "Tippoo Saib will not commit himſelf to a new ſcene of "hoſtilities with the Engliſh nation." Unluckily for the credit of Mr. Haſtings's ſpeculations, his ſecond letter, of the 7th of February, completely overſets the firſt. "The negociation "for peace no longer promiſes ſucceſs; the ſteps taken by

Tippoo

" Tippoo Saib leave little or no hopes of his acquiefcence i
" the treaty, and the government of Madras are endeavourin
" to get their army into the field as faft as poffible."

I am fenfible, Sir, that I have trefpaffed too long on th patience of the Houfe, and yet, before I fit down, I muf folicit their indulgent attention to a few words that have perfonal relation to myfelf. There are two kinds of mifcon ftruction, to which what I have faid may be liable, an againft which I am very defirous to guard my character As my remarks on the ftate of the Company's affairs cer tainly tend to place them in a point of view much lefs ad vantageous than that in which they had been reprefented b the Directors, it will be faid by fome, and may be believe by others, that I am a man hoftile to the intereft of the Eaf India Company. On this prefumption, I fhall be charge with ingratitude to my benefactors. One imputation lead to the other. I folemnly deny them both. Yet it is per fectly true, Sir, that to the Court of Directors I neithe owe nor profefs any gratitude, although for fix years toge ther they conftantly and highly applauded my conduct. I owe them no obligation for empty promifes of fupport and barren praifes, pure and unmixed, as I have always found them, with any ferious proof of their approbation. I am not fingular in difclaiming a particular attachment to the Court of Directors. I believe Mr. Haftings feels himfelf ftill lefs indebted to them than I am. Neither do I profefs any fpecial devotion to the Court of Proprietors, I mean to the power that has generally predominated in that court. They have almoft uniformly fupported the perfons and the meafures, which I have uniformly oppofed. But there is a third clafs of perfons, completely diftinct from the other two, for whom I profefs and feel the warmeft attachment, and to whofe real interefts I am equally bound by duty, by gratitude, and inclination. I mean the Eaft-India Company; to whofe fervice I owe the independence I poffefs, and even the ground I ftand on at this moment. The conftitution of the Company fuppofes no diftinction between the body corporate and the governing powers of the India Company. But is it in fact impoffible that fuch a diftinction fhould exift? Is it impoffible that meafures ruinous to the true permanent interefts of the corporation, fhould be advantageous to powerful individuals at the head of it? Perhaps I may be miftaken in fuppofing a poffible feparation of interefts between the body and the head.—Perhaps I may have no right to affirm, that the one may be abundantly provided for at the

expence

expence of the other, and that ſuch things may have happened in other ſocieties. Whether this ſuppoſition be warranted or not, it is to the corporation of the India Company that I hold myſelf indebted. Let me ſee diſtinctly what their ſervice really requires, and I will engage to go as far as any honeſt man can go to promote it; I mean as far as the duty, that belongs to my preſent ſtation, and by which I am attached to the community at large, will allow me.

The ſecond ſort of miſconſtruction, againſt which I wiſh to be guarded, is ſtill more of a perſonal nature than the firſt. I ſhould be ſorry to be ſuſpected of retaining a ſpark of perſonal animoſity to Mr. Haſtings. We are both, I believe, men of temper too warm to be capable of laſting reſentments. Our conteſt is at an end, and the hoſtilities it produced expired with it.—Aſſuredly I feel no enmity to him, and I readily acquit him of harbouring any againſt me.—But it may be ſaid, though I have no reaſon to think it will, that I avail myſelf of the advantage of his abſence, to ſay more of him, than I would do if he were here. To this mean imputation, my anſwer is clear and concluſive. In the firſt place, I preſume the Houſe may have obſerved, that although Mr. Haſtings is not here in perſon, he appears fully by his repreſentatives. They are men of ability, and of very diſtinguiſhed activity.—They cannot reaſonably be accuſed of want of alertneſs to defend him, nor would it be an act of conſummate prudence to provoke them. But I am perſuaded, Sir, that Mr. Haſtings himſelf would be the firſt to acquit me of any particular reluctance or unwillingneſs to oppoſe him face to face. In the ſix years that we lived together, his objection to my conduct was of a different nature. He has often accuſed me of a determined pertinacity in oppoſing him, right or wrong, and never ſuffering any thing he ſaid or did to paſs without an obſtinate debate. At all events, Sir, it is not my fault that Mr. Haſtings is not here to anſwer for himſelf. No man, I think, who knows on what terms we ſtood in India, can poſſibly doubt, that if it had depended on me to recal him, he would not now have been ſo well repreſented as he is, but would have been here in perſon long ago. Perhaps I have ſaid more on this ſubject than it required. I ſhould not have mentioned it at all, but for a letter ſent to me within theſe few days ſigned *Detector*, in which I am threatened with vengeance, or with a ſevere inquiſition into my own offences, if I dare ſay any thing to the diſadvantage of that great abſent man, Mr. Haſtings.

An anonymous letter is not worth notice. But ſince the ſuſpicion it expreſſes may have occurred to others, I thought it incumbent on me to endeavour to remove it.

Lieut. Col. Cathcart. The honourable Lieutenant-colonel *Cathcart* ſpoke to the following effect: — Mr. Chairman, I am not ſufficiently verſed in the ſubject of the finances of the Eaſt-India Company to trouble the Committee with my ſentiments on that head.

Unleſs the right honourable gentleman over againſt me is pleaſed to cut me ſhort by pledging himſelf to bring forward a bill for the regulation of India in the courſe of the preſent ſeſſion, I propoſe to ſpeak of that country in a different point of view.

I have not the honour of repreſenting Mr. Haſtings in this Houſe; I have the honour to ſtand here the repreſentative of a county in North Britain; as ſuch, I ſhall do Mr Haſtings the juſtice to ſay, that I think his conduct during the long period in which he has been at the head of our affairs in India, has proved him to be endowed with ſuperior and uncommon abilities, and that he has exerted theſe talents with zeal and rigid integrity in the ſervice of his country, ſo as to entitle him to our warmeſt praiſes

A peruſal, Sir, of the official letters which have lately been publiſhed, from Mr. Haſtings, and from the Supreme Council to the Court of Directors, has convinced me, if poſſible, more ſtrongly than ever, that a government ought to be veſted in ſome one point in India, which ſhould really be efficient to control the ſeveral Preſidencies.

That theſe Preſidencies have not been obedient to what is called the Supreme Council, I think theſe papers likewiſe evince.

Surely, until there is one main ſpring which can actuate all the ſubordinate wheels of government in theſe extenſive and diſtant dominions, our affairs there can never flouriſh.

Nay, the public faith will be broke in every ſhape, and on every occaſion, and the country powers can never place any confidence in us.

Mr. Haſtings, in the letters I have alluded to, ſtates, that the Marattah peace is eſtabliſhed on a firm baſis, which is likely to ſtand unſhaken for a term of years.

I am happy to hear that opinion from ſuch a quarter. It is generally believed, that it is much for the intereſt of Madajee Scindia (the Marattah chief who meditated the peace of Salbey) that it ſhould be a laſting one.

There

There is a circumſtance in one of theſe letters, which leads me to believe, that the politicians of the Eaſt do not think us ripe for deſtruction; at leaſt that they ſuppoſe our affairs ſtill to be retrievable.

Nizam Ali Cawn is ſaid to have offered his aſſiſtance to bring about a peace between our nation and the Nabob of Myſore.

The Nizam is a prince, Sir, whoſe conduct has hitherto been artful and cautious.

It cannot then be ſuppoſed, that he ſhould ſtep forward in this tranſaction, except upon an idea, that if the war ſhould be kindled up afreſh, we ſhould cruſh Tippoo Saib, and that at the ultimate ſettlement of the matter, he would either gain an acquiſition of territory or of treaſure.

I have riſen, Sir, principally to requeſt the attention of the Houſe to a branch of reform in India which ſtrikes me as eminently neceſſary; inſomuch, that I conceive, if a bill ſhould be brought forward for the regulation of India, which was founded upon the extended information which the meritorious labours of many honourable members of this Houſe have brought to light, that it would be inefficient unleſs it went minutely into the ſtate of the government of the armies in the ſettlements of the Eaſt-India Company.

If that government remains in force as at preſent exerciſed, and if the Britiſh Legiſlature does not immediately interfere towards its alteration and amendment, it is my firm belief, that our poſſeſſions in the Eaſt will ſoon be diſmembered from this empire.

Either, Sir, motives of humanity are to induce us to reſtore to the natives of India theſe territories which, from avarice or ambition, we have wreſted from them, or motives of policy are to predominate, and we are to attempt by arms to preſerve theſe diſtant provinces.

What ſtep, Sir, upon this latter ſuppoſition, can be of more immediate conſequence than the regulation of thoſe armies which we muſt maintain to ſecure the fidelity of many millions of ſubjects, whoſe hearts, God knows, have no reaſon to be impreſſed with ſentiments of gratitude for favours already received under our government!

Or what, Sir, calls more loudly for the exerciſe of our humanity than the conſideration of what comforts we can point out for thoſe ſoldiers, who have embarked for that diſtant part of the world, in what was their duty to conſider their King's and their country's cauſe?

While we talk here of zeal for the welfare of the ſtate, they have proved theirs with the ſweat of their brows and with their blood.

I muſt apologiſe for a few words which I wiſh to ſpeak in detail upon this ſubject, obſerving that I am induced to enter into theſe details from a conviction of their importance, and from hopes which I entertain, that whatever regulating bill is introduced will contain clauſes for the remedy of the abuſes I complain of, and which will render the interference of his Majeſty's Secretary at War, or of the Eaſt-India Company, efficacious in behalf of the army, which it occurs to me cannot be the caſe until the baſis of a new military ſyſtem is laid down by Parliament.

The Britiſh army actually ſerving in India is compoſed of His Majeſty troops and thoſe of the Eaſt-India Company.

Theſe component parts feel the neceſſity of union. From principle they wiſh to act in concert and harmony, but their views and pretenſions are ſo widely different, that the moſt experienced officers, who have ſerved in that combined army, are of opinion, that jealouſies and heart-burnings muſt exiſt in that corps until it is under one head.

I ſhall not enter into the conſtitutional queſtion, whether the army ought to be under the Crown or the Company— But as I totally coincide with thoſe officers who inſiſt, that we never can have an efficient army in India, unleſs it is placed under one head, I have confined my thoughts on Indian ſervice to the idea, that the military government ſhould be ſolely in the hands of His Majeſty, or totally under the Company.

It is almoſt ſuperfluous to deſcant upon the merits of diſcipline, or that diſcipline alone enſures the ſucceſs of any army.

The experience of all ages, of all nations, has demonſtrated the truth of this aſſertion, and no where more forcibly than in India. The diſcipline of our army there, compared with that of the country powers, has been hitherto ſuperior. To that ſource chiefly may be traced the accompliſhment of many wonderful achievements, which have been performed highly to their honour, by handfuls of troops in the ſervice of the Company, oppoſed to the greateſt diſparity of numbers.

The country powers, Sir, are daily improving in the ſcience of war; they have been inſtructed, they have been aſſiſted by an European nation, with which we have lately been

been in a ſtate of hoſtility. That nation may poſſibly at ſome future period again inſtruct and aſſiſt them.

The effects which ſuch an interpoſition would produce, will depend in a great meaſure upon our preſent conduct.

If, Sir, we adopt a judicious military-ſyſtem; if we proportion our European force to that which other European nations ſend to India, and proportion our European troops, ſo as to be ſufficiently numerous to give countenance to, while at the ſame time they keep in ſubjection our own native corps, then, Sir, when the hour of danger is at hand, ſhall we reap the fruits of ſuch policy.

Give me leave to ſuppoſe for a moment, that Parliament had ordained that the army in India in future ſhould be under one head; ſtill there are other points to be ſettled relative to that army which are eſſential to its diſcipline.

The Commander in Chief, and other ſuperior officers of the army, muſt have more weight than they have at preſent, to enable them to keep up the neceſſary ſubordination of the ſervice.

What I am going to ſay upon this head, is not grounded upon an idea that the military ought to be emancipated from the control of the civil government.

On the contrary, I only wiſh that certain points might be rectified, which would enable the army to execute with effect the orders of the civil government.

According to the preſent regulations, the Commander in Chief of the Company's forces at the different Preſidencies are, to a certain extent, permitted to recommend officers for promotion when vacancies happen under their command; but as the rule of ſeniority is ſtrictly adhered to, this can hardly be deemed patronage.

The real patronage of the army in India, is the nomination of officers to the command of native regiments and to out-commands.

In theſe appointments the civil adminiſtration frequently, almoſt conſtantly, interferes.

This ſtrikes at the root of diſcipline, by holding out encouragement to officers to ſeek for promotion by intrigue, by intereſt at the Preſidencies, and not by diſtinguiſhing themſelves as ſoldiers in the field.

Far be it from me to caſt, by this obſervation, any ſlur upon the officers actually ſerving the Company. I know, among them, many moſt reſpectable characters; many men who would do honour to any army; and they have the greater merit, becauſe they have been reared in a bad ſchool, under a bad ſyſtem.

I do apprehend, Sir, that it would be a most useful amendment, if these nominations to commands and out-duties were in future vested solely in the heads of the military departments.

Then, Sir, officers would look up for the reward of their services to those men who were the best judges of their merit.

Then, Sir, commanding officers would have it in their power to reward merit, or punish demerit.

There is, Sir, as it strikes me, a defect in the present constitution of the Councils in India.

The Commander in Chief of all the forces in that country is the only military man, who, by act of Parliament, enjoys an unrestricted seat in council.

The Commanders in Chief at the different Presidencies sit at the Boards on military and political discussions only. The bad effect which arises from this part of the present system is, that if the majority of these Councils chuses to discuss a subject which is really military, but which they please to term commercial or financial, they assume to themselves a right of excluding their military member from that debate. Thus they may decide upon many subjects without the professional advice of that officer, upon whom most probably is to devolve the execution of the measure they have adopted.

There cannot be a line drawn between military and commercial, or financial matters, in India, which will not be liable to this species of chicane; therefore I conceive military men should have unrestricted seats in all the Councils, and at all the subordinate Boards; more especially as they would be but as one to three or four in council, it cannot be argued that their ignorance on commercial or financial regulations would obstruct those measures which appeared judicious to the great majority of the Board, who would still be commercial men.

Nothing can illustrate the nicety of distinctions which exist in India between military and commercial, or financial business, better than the statement of the following fact:

There is a large body of men in arms, paid by the Company, for the enforcement of the revenue, called Zebundys in some parts, and in others stiled Militia Sepoys. These myrmidons, Sir, are not strictly under military command; they are more immediately under the revenue department. This corps, Sir, has perpetrated a considerable part of those enormities which have been unjustly laid to the charge of the army.

Can there be a doubt that it is expedient that every man who bears arms of any sort ought to be under military discipline?

If

If it be neceſſary, as I believe it is, that there ſhould be a revenue militia, it ought to be inſpected into by military men. This, Sir, would prevent much rapine, much cruelty; but it would not prevent the militia from being totally under the orders of the civil Adminiſtration, iſſued by the Councils to the commanding officers of diſtricts, and by theſe officers to the militia. Then, Sir, over all our dominions, officers might juſtly be made reſponſible for the conduct of every man in arms, whether a ſoldier or a revenue militia man.

I wiſh, Sir, before I ſit down, to ſay a word or two concerning the execution of general military plans, in time of war, in India.

At preſent, Sir, if it be voted at the Supreme Council that the Commander in Chief of all the forces ſhall be deputed on ſervice to any of the other Preſidencies, he comes under the total control of the Preſidency where he is ſent to act.

Is it not, Sir, conſonant to the nature of the human mind to ſuppoſe, that there would be a greater probability of the ſervice being carried on with effect, if the Supreme Council could depute a General who ſhould, during the exigency of the ſervice, be emancipated from any authority but their own; who would then execute plans which they had framed; meaſures, for the ſucceſs or failure of which they were reſponſible, and naturally more intereſted in than any other ſet of men?

While an officer is carrying on operations clogged by the interference of a ſecondary authority, how can his ſteps be marked with vigour? Will it not be allowed, that in thoſe diſtant and extenſive provinces, which are ſubject to us in India, frequent emergencies ariſe where vigour and deciſion are indiſpenſably neceſſary?

I have ſtated, I believe accurately, evils which do exiſt in India. If I have gone beyond my depth in ſtating what I conceived to be their remedies, ſtill I have been diſcharging my duty, by bringing forward matter well worthy of the conſideration of many honourable members, whoſe experience entitles them to be better judges of the treatment which ſoldiers ought to receive. Matter, Sir, which ought to be weighed by thoſe gentlemen who have made the various arts and combinations of governing mankind in general their more immediate ſtudy. When theſe points are diſcuſſed, and finally ſettled, and not till then, our Indian armies will be efficient. The minds of the firſt officers in this country will be fired with ambition to ſerve in India. Then, Sir, his

duty

duty being simplified to him, the British soldier will pass his life in struggles with the intemperance of climate; will pass his life four thousand leagues from his parents, from the friends of his early youth, and torn asunder, Sir, from those tender connections which attach him to his native land, and he will forget, or rather, without repining, bear with these disadvantages which he ought to know are unavoidably incidnt to the nature of his profession.

But, Sir, the Indian army have long groaned under unnecessary evils; for redress from which they patiently look up for the interference of their Sovereign and of both Houses of Parliament. I trust, Sir, for the honour of this House, that some system will soon originate within these walls, which will enable the Indian army to bless their Sovereign, to bless the Lords and Commons in Parliament assembled, for redressing of grievances, for amending a system, which, I venture to affirm, if candidly and impartially examined into, will be found to have already unnecessarily impeded the service of the State, and wantonly rendered miserable the lives of those who serve their country.

But, Sir, I will no longer trespass upon gentlemen's patience, by canvassing their attention to the cause of so numerous, so respectable a body of men as that of which I have spoken, and whose interests, whose welfare are so nearly, so deeply connected with their own — I shall only say, that if we do not profit by the experience of past misfortunes, we deserve to lose India. It does not require the gift of prophecy to foretel, that if we suffer the affairs of the East to roll or to stagger on any longer in their present channels, or in any thing like their present channels, every gentleman here present will live to see the day when this country shall thereby be involved in war; or, at least, those of us who do not live to see such an event take place, must descend into our graves, conscious that the rising generation is doomed to, ever doomed to destruction, which our delays have intailed upon them. Let us not be lulled into security because the sword is sheathed. This is the moment for Great Britain to arm for war. Such measures are the most likely long to preserve to this country the invaluable blessings of peace, which I hope we now enjoy in the most distant quarter of the globe. Such measures bid fairest, Sir, to allay the thirst of our enemies for war; or, if they are still bent upon our destruction, to avert the effects of their plans, and to retort upon their own heads those blows they meant for ours.

Mr.

Mr. Chancellor *Pitt* paid a handſome compliment to Mr. Cathcart for the information he had favoured the Houſe with, and from which he ſhould profit; after which he gave notice, that he ſhould bring in the new India bill the 6th inſtant. Mr. Chancellor Pitt.

Major *Scott* ſaid, I riſe in this early ſtage of the debate, becauſe I conceive myſelf particularly called upon by what dropped from the honourable gentleman (Mr. Francis) on the floor; and I do aſſure you, Sir, in a debate of this great national importance, it was not my intention to have mentioned a ſyllable about myſelf or Mr. Haſtings. I ſit in this Houſe, not as the repreſentative of Mr. Haſtings, but as an independent member of Parliament, having a ſtake in this country totally independent of Mr. Haſtings, totally independent of the Eaſt-India Company; in whoſe ſervice my acquiſitions were very ſmall, though I had the honour to ſerve them near ſixteen years. The honourable gentleman ſays, he has received an anonymous letter, ſigned "Detector," in which the writer threatens him with vengeance, if he oppoſes Mr. Haſtings. The honourable gentleman, I am ſure, will give me credit, when I declare to him, that I did not write the letter; that no man deſpiſes anonymous ſlanders more than I do, and that I never wrote a line in my life which I will deny, or for which I am not, at all times, ready to be accountable — but as the writer has aſſumed the ſignature of "Detector," I can aſſure the honourable gentleman, the perſon who addreſſed him is not the writer of thoſe admirable ſtrictures on the Reports of the laſt Select Committee of the laſt Parliament, under the ſame ſignature. The gentleman who wrote thoſe letters is not in England at this moment; and I can hardly believe that any friend of Mr. Haſtings would have deſcended to practiſe ſuch a meanneſs. Having ſaid thus much, Sir, I ſhall now offer a few remarks upon what fell from the honourable gentleman— He tells the Committee, they have no ſecurity that the ſame prodigality which has been practiſed, will not be continued; and that the Company's orders relative to drawing bills, will be diſregarded in future, as they have been in times paſt.— Upon this ſubject, I ſhall aſk the honourable gentleman one plain queſtion: Is it not a fact, that from the year 1772 to 1780, a period of eight years, not a ſingle bill was drawn from Bengal, except ſuch as were expreſſly authoriſed by the Court of Directors? Is it not equally a matter of fact, that the Maj. Scott.

bills drawn in 1781, and the following years, were for the exprefs purpofe of furnifhing an inveftment for the Company? Is it not equally a matter of fact, that this was the only poffible mode by which an inveftment could be furnifhed? And why? Becaufe in the laft five years, no lefs a fum than 7,290,000l. fterling, or fix hundred and fifty lacks of rupees, were fent to Bengal from Madras and Bombay, for the fupport of the war. At that period, Sir, when we were ftruggling for our exiftence as a nation in India; when there were oppofed to us feventeen fail of the line, and 6000 of the troops of France; when we were at war with the Marattahs, and Hyder Ally in poffeffion of the Carnatic; when our armies there were paid and fed in a great meafure from Bengal; is it extraordinary that Mr. Haftings was not able to appropriate any portion of the revenues of Bengal to the purchafe of an inveftment? The queftion, therefore, is fimply this: Was it better to take up money in Bengal for bills upon England, and to apply that money wholly and exclufively to the purchafe of an inveftment, or that the inveftment for three years fhould have been difcontinued?

I am really forry, Sir, to be under the neceffity of mentioning the name of Mr. Haftings fo frequently; but the honourable gentleman has reduced me to that neceffity— I declare I mean no difrefpect to the honourable gentleman, when I fay, that neither he nor Mr. Haftings are of confequence enough to attract the attention of this Committee for a moment, from the queftion before you— I give the honourable gentleman full credit for the purity of his motives, and I believe he no longer bears an enmity to Mr. Haftings; but what has the Committee now to do with their differences? We are upon a fubject of the greateft national importance; and I really, Sir, am afhamed to lofe a moment in the difcuffion of points that are purely perfonal. The honourable gentleman has gone through a variety of calculations, to prove that the Company is ruined paft redemption; and that at the end of the fix years it will owe nine millions fterling and upwards. If that is really the cafe, Sir, we are in a moft deplorable ftate; but the honourable gentleman's calculations have ever been unfavourable to the Company and its fervants—Let any gentleman read his minutes when firft he arrived in Bengal; or his letter

from St. Helena, or from his houfe in Harley Street, to the Directors; I am fure I do not mean to impute to the honourable gentleman an intention to deceive; but it is his cuftom to ftate the Company's affairs in the moft unfavourable point of view. Mr. Haftings, perhaps, may, on the other hand, be too fanguine; but without difputing the honourable gentleman's calculations, or entering into the intricacies of the China trade, I will beg leave to ftate the tranfactions in Bengal, as they actually happened in the laft fourteen years [Here a loud laugh.] I beg the Committee will not be alarmed, for I will pafs over thefe fourteen years in lefs than five minutes. Sir, the Committee will recollect, that in the year 1770, bills were drawn upon the Company from Bengal, to the amount of 1,100,000l. at the recommendation of an honourable gentleman, not now a member of this Houfe, I mean General Smith, and that this unexpected draft was made in a feafon of profound peace; the fact being, that after paying the civil and military charges, ftipends, &c. there was not a fufficient furplus, at the end of fix years peace, for the purchafe of our inveftment in Bengal. This threw the Company upon this Houfe for relief; and to ufe the words of an honourable Baronet (Sir Henry Fletcher) relief and reformation went together. The regulating act of 1773 paffed, to which we owe the fervices of the honourable gentleman in India. In April 1772, Mr. Haftings, by the appointment of the Company, became governor of Bengal. At that period, Sir, the bond debt was 100 lacks, and unavoidably increafed to 120 lacks foon after. Upon this fyftem the Company could not be expected to go on; but what was the alteration produced in four years? Not only was the bond debt completely difcharged, not only was an ample fum appropriated for the purchafe of an inveftment, but there was actually a balance in the Company's treafury in Bengal of 177 lacks of rupees. Will the honourable gentleman deny that this ftate of profperity was the confequence of meafures adopted by Mr. Haftings, previous to his arrival in October 1774, and which he pointedly condemned; or will he fay it was owing to the œconomical retrenchments which took place fubfequent to that period?

I will not detain the Committee by an inveftigation of the Marattah war; it was as much condemned by Mr. Haftings, as by the colleagues of the honourable gentle-

man, General Clavering and Colonel Monſon, whoſe names I ever have mentioned, and ever ſhall mention, with the utmoſt reſpect.

I am happy, Sir, on this day, to have the honour of ſeeing the noble Lord in the blue ribband; he will do Mr. Haſtings the juſtice to ſay, the ſecond Marattah war is not to be imputed to him. The noble Lord is fully acquainted with every ſtep taken by Mr. Haſtings; he knows the intelligence he received from Europe, and the credit he juſtly gave to that intelligence. Sir, the ſecond Marattah war is ſolely to be imputed to the American war; a fact I am ready to prove at any time. The right honourable gentleman (Mr. Fox) who ſits near the noble Lord, ſaid, and truly at that time, that one conſequence of the American war would be, our being involved in every quarter of the Globe. The honourable gentleman has called upon the learned gentleman (Mr. Dundas) who ſits below me, to aſſiſt him in expoſing the wild ſchemes of Mr. Haſtings; but will the honourable gentleman be pleaſed to recollect the ground upon which that learned gentleman proceeded? His argument was, "Mr. Haſtings has forfeited the confidence of the native Princes of India; they "will not treat with him; he cannot make the Marattah "peace and therefore he ought to be recalled." Will the learned gentleman now hold that language? Will the learned gentleman now ſay, that Mr. Haſtings does not enjoy the confidence of the native princes of India; or, that at a moment of difficulty and danger, he did not conclude the Marattah peace? What was the difference between the learned gentleman and the Court of Proprietors, with reſpect to Mr. Haſtings? Not that Mr. Haſtings was a delinquent: I never heard the learned gentleman avow an opinion of his delinquency. The learned gentleman conceived that the removal of Mr. Haſtings was neceſſary to conciliate the minds of the native Princes of India, and for the eſtabliſhment of peace. The Court of Proprietors were of an opinion directly contrary; and experience has ſhewn, that the Proprietors were right, and the learned gentleman wrong. Whether Mr. Haſtings was, or was not, the author of the Marattah war; whether he gave too much credit to the intelligence tranſmitted to him from Europe or not; whether it was the act of a wiſe man, or a romantic attempt, to march a detachment acroſs India, is by no means the preſent queſtion. Let us conſider what

was

was our ſituation previous to, and by the lateſt advices from India, in order to determine the degree of relief which may be granted to the Company.

In the height of the Marattah war Hyder Ally Cawn invaded the Carnatic — To preſerve that important branch of our dominion in India, Mr. Haſtings, at a moment when merchant ſhips would not attempt a paſſage to Madras, propoſed ſending ſix hundred and forty Europeans, and fifteen lacks of rupees, to the Carnatic by ſea, and Sir Eyre Coote nobly conſented to riſque his high military reputation at the head of a defeated and diſpirited army — Mr. Haſtings alſo propoſed to ſend a very conſiderable detachment to Madras by land — It was immediately formed, and joined Sir Eyre Coote before his ſecond general action with Hyder; nor can I conceive, though the late Houſe of Commons condemned the tranſaction, that the march of this detachment through the territories of Moodajee Booſla, was purchaſed too dear by the ſum of money given to his ſon Chimnajee.

From that period, Sir, every poſſible aſſiſtance was afforded by the Supreme Council to the government of Madras; and, after a variety of ſucceſſes, in a moſt difficult and arduous war, our army was beſieging the French forces in Cuddalore, when intelligence of the peace, which had ſaved this country, arrived in India; but was any poſſible exertion neglected by Mr. Haſtings to feed and pay the army at Madras, or to enable the Bombay forces to make that diverſion, which at the moſt critical moment of the war, drew Tippoo Saib out of the Carnatic?

Sir, the honourable gentleman, paſſing in ſilence over the dangers we have eſcaped; paſſing in ſilence over the difficulties we have ſurmounted; ſays, we have not peace with Tippoo Saib — I am not afraid of committing myſelf by ſaying, that I believe we have peace with Tippoo Saib, and that I believe he is utterly unable to continue the war. I believe, alſo, that his only chance for ſafety is in peace; but admitting for a moment, that it is not concluded, have we a Marattah war now to ſupport? Have we ſeventeen ſail of the line, and 6000 land forces belonging to France oppoſed to us? Or is Tippoo Saib now in the heart of the Carnatic? We never can have ſuch a combination to ſtruggle with again; and I repeat it, that putting together the intelligence from Tanjore and Buſſorah, I believe that at this moment, the peace with Tippoo is concluded.

With-

Without wishing to say any thing that may give offence, let us consider how the war has ended in different quarters of the world—In Europe, we have lost Minorca; in America, thirteen provinces, and the two Pensacolas; in the West Indies Tobago; and some settlements in Africa. We have contracted a debt of one hundred millions and upwards, and have lost above 100,000 men: but in India, Sir, we have preserved all our former possessions, and we have yielded up Chandenagore and all the French settlements in Bengal; we have yielded Pondicherry, Carical, and every settlement we had conquered from the French upon the coasts of Coromandel and Malabar; we have given back to the Dutch, Chinsura, Calcapore, and their settlements on the coast, Negapatnam excepted. I should rather say, Sir, this nation has given up, and wisely given up, the conquests of the East-India Company, to prevent farther sacrifices where they would have been more felt by the Public. The Company has contracted a debt during this long and arduous war, not equal to one year of its neat revenues: and shall it be stiled a burden upon the State? or shall its servants, who have exerted themselves so meritoriously, be calumniated, instead of receiving the praise due to their merit?

But the honourable gentleman says, we have no security that œconomy will be practised in Bengal, except we argue in favour of future obedience from past disobedience. If the fact is so, why, in the name of God, do you not remove those men who will not obey your orders? Is Mr. Hastings in the way of any scheme of reformation? Has he not expressly and anxiously written to desire that a successor may be sent out? I appeal to the noble Lord in the blue ribband, whether it has not invariably been the language of Mr. Hastings; "Remove me, or confirm me: the government of India should be supported by the Government at home; if you will not give me your confidence, recal me."

I, Sir, earnestly hope, that if His Majesty's Ministers, or if the Court of Directors, will not give their confidence to Mr. Hastings, they will instantly remove him. I hope, Sir, if they conceive that he will not rigidly execute every order they send to him relative to œconomical retrenchments, that they will instantly remove him. I have heard this language of Mr. Hastings's disobedience repeated in

speeches;

ſpeeches; I have ſeen it inſerted in pamphlets and newſpapers: but, when gentlemen are puſhed upon this ſubject, they are obliged to have recourſe to the ſtale charge of not ſending Mr. Briſtow to Oude, and Mr. Fowke to Benares. And here I muſt ſay, that whether Mr. Haſtings is to be continued or not, or whoever goes out to ſucceed him, the government of India muſt be in India, and you muſt give up the ridiculous idea of appointing gentlemen to miniſterial offices either from Leadenhall-ſtreet or this end of the town. The ſyſtem is new, and deſtructive in the extreme, of pointing out to your governments in India, who they ſhould employ in offices of truſt and importance, and can anſwer no end, but that of a miſchievous extenſion of patronage at home, with the more fatal conſequence of deſtroying the vigour, energy, and reſponſibility of the government abroad. Will the honourable gentleman, or will any other honourable gentleman, mention a ſingle order ſent from this country, relative to œconomical retrenchments, or upon other ſubjects, which has been diſobeyed in the latter three years? There was, indeed, a difference of opinion between Mr. Haſtings and the Directors, relative to the duration of certain contracts, for enſuring a ſupply of bullocks during the late war, which were concluded at the recommendation of Sir Eyre Coote; but it is of very old date, and will make no difference to the preſent argument.

I ſhall now, Sir, briefly ſtate my ideas of what can be done in Bengal — You have authentic, official advice, that the army in Bengal has been conſiderably reduced: you know that Colonel Morgan's detachment was, on the 23d of January, within twelve coſs of Gualior, conſequently that by the 1ſt of February, it would be on the banks of the Jumna, where it was inſtantly to be reduced. Admitting the peace not to be concluded with Tippoo, the ſervices of the Bengal detachment at Madras were no longer neceſſary; I therefore believe moſt ſolemnly, that by the 1ſt of May, every military expence of the Bengal army was brought within one hundred and ten lacks a year. Sir, it is the duty of the Court of Directors not to truſt merely to this, but to point out ſpecifically the reductions that ſhall be made, and to take care that the expence they authoriſe is not exceeded.

My eſtimate of military expences is conſiderably higher than the eſtabliſhment of 1777. The civil diſburſements

are

are not eſtimated at more than thirty-nine lacks, including the expence of the Supreme Court of Judicature; but, allowing fifty lacks for the civil charges and the marine; allowing twenty lacks for ſtipends, &c. and twenty lacks for contingencies, beyond the very high rate at which I I have ſtated the diſburſements, and from the neat revenues of Bengal, Bahar, and Oriſſa, Benares, Vizier's ſubſidy, and the profit upon ſalt and opium, including alſo the ſale of our imports; there will remain a ſurplus of one hundred and fifty-ſeven lacks of rupees, for the purchaſe of future inveſtments, for paying the intereſt of the bonded debts of India, and for a gradual liquidation of the principal *.

In ſtating the ſubſidy of the Vizier, I confine myſelf to two lacks and ſixty thouſand rupees a month, which he pays for a complete brigade, by the treaty of 1775. But His Excellency is alſo engaged to pay 20,000 rupees a month for every regiment of ſeapoys which he may chuſe to ſtation in his dominions, beyond the complete brigade; and a fixed ſum for the ordnance department. At preſent there are ſix regiments upon this ſubſidy in the Vizier's dominions, which is ſo far a ſaving to the Company. If at any future period (of which I have no idea) the Vizier ſhould wiſh to recal all our forces from Oude, the line of defence will be circumſcribed, and a proportional reduction

* Major Scott ſtated in a pamphlet, that the actual receipts of the land revenues of Bengal, Bahar, and Oriſſa, for 1781-2, after paying every expence of collection, and independent of balances out ſtanding, were two hundred and twelve lacks of Sicca rupees and a fraction; and of 1782-3, two hundred and nine lacks and a fraction; but to take it at the loweſt terms:

CHARGES.

Revenues	209	Military	110
Salt	50	Civil and marine	50
Benares	44	Durbar and ſtipends	20
Vizier's ſubſidy	32	Contingencies	20
Imports	10		
Cuſtoms	8		200
Opium	4		
	357	Balance 157 lacks.	

of

of the army will take place; and, ſhould we again be brought within the banks of the Carumnaſſa, eighty lacks of rupees will amply provide for as large an army as will be neceſſary for our complete defence.

I perfectly agree with the honourable gentleman, that, from Bengal, the intereſt of the bond debts of India muſt be paid, and the principal liquidated, whenever it is liquidated. Yet, Sir, I have the authority of Lord Macartney, for ſuppoſing, that on the re-eſtabliſhment of peace, the Carnatic will bear its own expences, and furniſh a cargo for Europe. I hope it will be ſo; and then it will be a relief to Bengal, which I have not yet calculated.

I did intend, Sir, to have made a few remarks upon the Report of the Select Committee now before us, and to have noticed two or three very glaring errors; but I ſhall leave this to other gentlemen, as I dare ſay the obſervation will not eſcape them.

I have the higheſt opinion of the integrity, ability, and impartiality of the gentlemen who compoſe this Committee; but, this, Sir, is an additional proof to me of the abſurdity of a Committee of this Houſe entering upon the intricacies of an Indian account, without having a ſingle gentleman amongſt them, who, from local knowledge, and long experience, could be enabled to point out to them the neceſſary papers and documents they ſhould refer to. The miſtakes I allude to are ſo glaring, that I am aſtoniſhed how they could have crept into the Report.

Lord *North* ſaid, he ſhould not have troubled the Houſe, but two things ſtated by the honourable gentleman who had juſt ſat down had made it neceſſary. The honourable gentleman had imputed all the expences incurred by the Eaſt-India Company, and all the bloodſhed in India of late years, to the American war. The American war, his Lordſhip declared, had ſins enow of its own to anſwer for, without being loaded with ſins that did not belong to it; he begged, therefore, to deny the fact, and to aſſert, what he could aſſert with great truth, that the American war was in no degree chargeable with the burdens and calamities that had befallen India. When the war began with France, long after the American war was in exiſtence, by the exertions of the Britiſh government, Pondicherry was taken and diſmantled, Mahé was taken, and Chandenagore was taken. The French were diſpoſſeſſed and driven out of India; they had not a ſettlement in that quarter of the globe left to ſet a foot in. Ld. North.

That afterwards, by the mismanagement of the Company's servants in India, the torch of war was lighted afresh in that country. Peace was not kept with the Marattahs; we quarrelled with the Nizam, then with the Nizam's brother, and afterwards with Hyder Ally, who invaded the Carnatic; this invited the Europeans to carry their arms to India; this brought the French back again to the coasts of Coromandel, after they had been expelled from every part of that quarter of the globe; this brought the Dutch upon our backs in India; and hence all the expence, all the bloodshed, all the disasters, that had happened there. The damage, therefore, that the affairs of the English East-India Company had suffered, had been owing solely to the rash, impolitic, imprudent, and mischievous management of their servants abroad. With regard to the other point that the honourable gentleman had mentioned, viz. that Mr. Hastings ought either to have been recalled, or confirmed in his government, it was undoubtedly true; it was true likewise that Mr. Hastings had, even during *his* administration, requested to be recalled. That he had not then been recalled, the honourable gentleman had said, rested with the noble Lord; it had not, however, rested with the noble Lord, as the honourable gentleman had been pleased to term him; the noble Lord had it not in his power to recal him; some persons, who sat near the honourable gentleman, could tell him, that the noble Lord could not recal him; nay, those who had much more power than the noble Lord ever possessed, found themselves unable to recal Mr. Hastings. That House, they all knew, endeavoured to recal him, and determined that he should be recalled; but even that House, omnipotent as it was, had not been able to effect its purpose. The fact, therefore, undoubtedly was, as Mr. Hastings might boast, and as his friends and representatives might boast, and as the honourable gentleman had boasted for him, Mr. Hastings had repeatedly desired to be recalled; Government had listened to his requisition, and wished to gratify him; that House had wished to gratify him; nay, they had resolved that he should be gratified, and the Court of Directors had agreed to it: but it so happened, that while Mr. Hastings desired to be recalled, while he insisted on being recalled, while Government and the House of Commons desired that he should be recalled, while the Court of Directors were willing to recal him, his own friends, and his own party, among the Proprietors of the East-India Company, constantly contrived at the General Courts to disoblige Mr. Hastings, to deny him the

the favour he requested, to disappoint Government, to frustrate the resolutions of the House of Commons, to disannul the votes of the Court of Directors, and effectually to prevent his recal.

Mr. *N. Smith*, Chairman of the Company, rose to vindicate the statement of the Directors, on which the Committee had made so full a Report. His object was to give a complete refutation of the commentaries and conclusions of the Select Committee; and, in order to do this, he went through the Report paragraph by paragraph. He explained various errors, particularly where the Committee asserted, that the charges of collecting the revenues in Bengal appeared to be 500,000l. a year less four years ago than they were at that time; whereas the fact indisputably was, that they were 50,000l. less now than they were then. Mr. N. Smith.

The Committee had also drawn a comparison between the civil charges in Bengal in 1777-8 and 1780-1, and stated, that in the former period they were 466,477l. and in the latter 589,056l.; the natural conclusion of which statement was, an enormous increase of expences, no less than 120,000l.: but Mr. Smith stated the fact to be, that the expence of the latter period was less than the former by 10,000l. and the apparent excess was occasioned by the sum of money advanced in March 1781, to Chimnajee Boosla, which was entered among the civil charges of 1780-1. Mr. Smith concluded, from the view which he had taken of the whole, that the circumstances of the Company were extremely promising and satisfactory, and that every aspect in which its present situation could be considered, was calculated to encourage, and not to alarm.

Mr. *Eden* rose next. He said, that knowing the indisposition of the House to involve itself in a detail of accounts, however interesting and important the result of those accounts might be, he would leave the Report to the defence of its own accuracy, and to the judgement of all unprejudiced men; if, in so large a variety of matters as were necessarily comprehended in that enquiry, any errors should be found in the different statements, he should neither be surprised nor mortified by the discovery: he would say more, he should sincerely rejoice at such a discovery, if it tended to place the affairs of the Company in a more prosperous and more promising state than they had appeared to the Committee. He had not yet heard of any such errors; for, with respect to what had just been stated as such by the worthy Chairman of the Company, he would take some future Mr. Eden.

 occasion

occasion to shew that the inaccuracy was in those who construed the Report, and not in those who framed it; in the mean time it was fully sufficient to observe, that the particulars mentioned, even if erroneous, which he denied, were immaterial to the public consideration, as none of them were brought into the charge in the general estimate of the Company's affairs. But he had other reasons for declining this kind of contest. He waged no war with the Directors; the whole tenor of the Report would prove this; for it gave at least fifty flat contradictions to the Directors' accounts, without a single expression tending either to criminate or censure. He waged no war with Mr. Hastings, nor with the representatives of Mr. Hastings, if there were any. With respect to India discussions, it was indifferent to him, whether Mr. Hastings was no better represented than the city of Westminster, or whether he had more representatives in that House than the city of London and the county of Middlesex: so far as personal considerations could influence, he was bound to feel a partiality towards Mr. Hastings, who had shewn peculiar kindness to some of his nearest connections. Lastly, he waged no war with the East-India Proprietors: on the contrary, every step which he had taken in this business would in due time be acknowledged by the honest Proprietors of the Company (of which description there was a large proportion) to be most friendly to their real and permanent advantage. He had been actuated through the whole business by a fair solicitude to obtain lights which might prevent a bankruptcy, that would first burst upon the commercial interest, and would afterwards overwhelm the landed interests of the kingdom. In this solicitude there was no idea of despondency; he did not mean to intimate that the Company's affairs were irretrievable, if fully and fairly brought to view: but he would venture to assert, and would rest his character upon the assertion, that if mere palliatives were tried, if Parliament declined the task of examining and probing the disorder to the bottom, if the present measures were merely to skin over the wound, the consequences must be most calamitous to the company and to the Public. In this temper and in this persuasion he had entered into this enquiry, and could clearly appeal to those who had assisted and instructed him in that enquiry, for the fairness with which it had been conducted; in the Committee, indeed, he had the advantage of three or four particular friends, men of known and acknowledged talents and integrity: but the majority of the Committee, though composed also of gentlemen

men equally intitled to such attributes, were utterly unconnected with him in the line of public life; and yet he could venture to say, that there never was an instance in which any Committee had acted, from its beginning to its end, with so mutual and complete a cordiality and unanimity. He could not, therefore, submit to stoop to the task of defending the Report of such a Committee; it was before the House and the Public; let it be judged by the House and the Public; and let it also stand the test of such events as it might be construed to predict.

Mr. Eden next proceeded to make some remarks on what had been suggested by the Chancellor of the Exchequer, in opening the business—He said, that he had heard with great surprise the right honourable gentleman's opinion, that if relief should be given in the extent and manner asked by the Company, the Directors would be able for the future to be regular in their receipts and payments. He knew that the right honourable gentleman was a bold statesman, and was willing to pay due homage to an intrepidity well suited to the difficulties of the times: but he knew also, that the right honourable gentleman possessed singular wisdom and foresight, and could not reconcile to such qualities the risque of an opinion, the fallaciousness of which a few months might demonstrate.—Surely the difference between the state of the Company, as described in the First Report of the Directors, which gave the intended detail of receipts and payments, and the amount of the various articles which had since come to light, would shew too much cause to suspect the solidity of such an opinion. He would here state to the House, the amount of various articles of charge beyond what was stated by the Directors; the sums dependent on those articles had been hitherto undisputed, and he believed them to be indisputable: the whole amounted to above eight millions sterling. The particulars were; the interest of duties proposed to be postponed for different periods of the next five years, and to which the claim of the Public was not only legal but reasonable; certain articles of duties and damaged goods mentioned in the Directors' Second Report; bills drawn from India, amounting within three months to 1,200,000l. beyond any expectation or foresight of the Directors in drawing their First Report, and, in truth, contrary to their assurances; the price of insurance for which the Directors professed to have made no allowance, though they

they had taken credit for the safe arrival and prime cost of all their cargoes for six years; bills to be accepted from Bencoolen; the sum of near 800,000l. now claimed by the Victualling Office and Pay office; the 130,000l. still due on the renewal of the charter, with the interest of six years, no allowance having been made by the Directors either for interest or principal; the additional bond debt in India, of which accounts had been received since the First Report; the interest on the Bombay and Madras bond debt, for which no allowance had been made in the estimates of the Directors; the arrears of Pishcush, which were ordered to be paid, but were not brought to account; the Madras arrear, of which late accounts had been received; treasury notes issued in Bengal in lieu of the investment loan: to these he would add, the amount of the Dutch prizes, the right to which is litigated, though brought to account as the property of the Company; and another article, of which he had no doubt, though it might be matter of opinion, namely, the produce of sales, which had been stated at 3,300,000l a year, from an average of sales taken at a period of former sales. Under that circumstance, and under the orders of the Company respecting the Bengal raw silk, and considering also the situation of Madras and Bombay, who were unable to furnish their proportion of goods; but more especially considering the increased competition of European vessels in the ports of India and China, for the fatal purpose of bringing home the immense acquisition of the Company's servants, at the very hour when the Company itself was in the extreme of poverty and distress, and unable to purchase any investments but from money also furnished by those very servants, he thought it reasonable to deduct 300,000l. a year from that speculation. He had been induced to state these articles to illustrate his doubt, whether the relief prayed in February last would be adequate to the wants of the party in the present month, when in the interim such large deficiencies had been ascertained. It would have been easy to swell this catalogue still farther. He abstained from all remark on the supposed revenues and expences of the different territories and settlements; but it was a wide field of observation, and what opened very melancholy prospects in the present state of India government — He abstained also from all discussion of the Directors' plan of commercial resources, which the Com-

Committee had ſhewn to be incompatible. Credit had been taken by the Directors for all the effects of a reform from the date of their Report; but the Chairman had juſt aſſured the Houſe, that the Directors were "going to order re-"trenchments." Paſt experience had ſhewn, that the orders of the Directors were invariably diſregarded, except when they tended to promote expence or protect peculation; but in the preſent inſtance, there was not even the decency of a vain endeavour. Laſtly, he would lay no ſtreſs on this whole fabric of a deluſive imagination being erected on the neceſſity of an uninterrupted peace in India and in Europe to the year 1790; though it was not yet known that it had taken place in India.

The right honourable gentleman had intimated an expectation that, though large bills had been drawn in Bengal, a proportionable increaſe of goods had been accumulated: he would only remark, that this hope, however reaſonable, was not yet verified by any evidence or correſpondence.

There had alſo been much converſation on the degree in which the Public is bound by the authority of Parliament to enable the Company to draw or accept bills — He was not diſpoſed to adopt either opinion in its full extent; but he had no doubt in ſaying, that if the authority of Parliament was pledged to the bill-holders, Parliament was at leaſt bound to protect them ſo far as not to permit the Company to divide the money of the bill-holder, and to protect his bill: and this remark would materially apply to a great proportion of the bills at preſent unaccepted.

Laſtly, as ſome papers from Bengal had been moved for a few days ago, as ſubverting the whole Report of the Committee, he would make a few remarks on the firſt of thoſe papers, and would only obſerve, that the others, though leſs open to obſervation, were equally deſtitute of weight as to the conſideration at preſent before the Houſe. The paper to which he alluded was the letter from Fort William, dated 16th December, 1783. "We have," ſays Mr. Haſtings, "ſupported your other preſidencies, "not by ſcanty and ineffectual ſupplies, but by an anxious "anticipation of all their wants:" would not any perſon who attentively peruſed that paragraph, reaſonably be ſurpriſed to hear, that thoſe preſidencies, all whoſe wants were ſo effectually ſupplied, had incurred a debt of 3,000,000l. and that their bonds were now at fifty per cent. diſ-

discount? Again, "We have assisted the China trade:" the remark here is, that the last letters from Canton complain loudly of the entire want of assistance—Again, "We "have provided larger investments from this presidency "than it ever furnished in any given period of the same "length:" this is proved, by bringing within a thirteen-months period, an account of the exports of more than two years—Again, "In the prosecution of these services, "we have sought but little pecuniary assistance from home; "we have avoided drawing on you for supplies." This passage is best illustrated by the account in the Committee's Appendix of three millions of bills from Bengal. On these strange and multiplied incongruities, he would only observe, that they were the picture painted from the painter's imagination, like the Directors' First Report, in a moment of sanguine expectation and wild enthusiasm, amidst increasing distresses and difficulties.

Mr. Atkinson. Mr. *Atkinson* began with declaring, that under the disinclination the House had expressed to pursue the debate farther at present, he should not have attempted to take up the time of the House, had not the right honourable gentleman, running in a cursory way through nearly the whole subject, assumed, as uncontradictory and undeniable truths, almost all the points in the Report of the Committee, wherein it differed from the Reports of the Directors—That, very far from acknowledging obligation for the gentle manner in which the right honourable gentleman claimed the credit of having stated his contradictions of the Directors' Report, he laid in his claim to be heard on a future day, when he trusted he should be able to shew, that in every point where the two Reports contradicted each other, the Directors were in the right, and the right honourable gentleman in the wrong; and would not, unless it was their pleasure, trouble the House farther at present. Being called upon to go on, he proceeded to state the necessity of attending to the order of the House, upon which the Directors were to make their Report, and that it was confined to the degree of relief by postponement of duties and acceptance of bills, which, in the opinion of the Directors, would be sufficient for their affairs. Accordingly, he said, the Directors had stated an estimate of their receipts and payments in England, with as much accuracy, he believed, as the nature of the case admitted; but had never

never professed accurately to state any estimate of their receipts and payments abroad, which was plainly impossible to be done with any exactness: therefore, under this last head, they had contented themselves with giving a general view of their revenues and resources abroad (independent of what they had computed upon, as applicable to their commercial investments) and of the debts and services to which they were applicable; and had only drawn this general inference, that there was no reason to apprehend that farther bills would be necessary to be drawn in aid of those revenues and resources; seeing, that whilst great difference of opinion might prevail about the degree to which those revenues would be productive, there was no reasonable ground to suppose the revenues, which before the war had produced a very large surplus, would not still produce some surplus; and that whether that surplus discharged the burdens upon it a little sooner, or a little later, was not very material to the propositions upon which the Directors were ordered to state their opinions; that this distinction, so necessary to the forming a just judgement on the subject, was wholly confounded by the Report of the Committee; who, bringing their observations to one point, but professedly leaving any conclusion upon the estimate of receipts and payments out of their discussion, although it was the sole object of the inquiry, had, in a desultory way, thrown out a large mass of animadversions, tending greatly to grounds of general distrust, and had so obscured a plain subject, by confounding Indian receipts and payments with those in England, and presenting lists and appendixes in such variety of forms, that none but those who were tolerably masters of the subject could understand them. He would, he said, endeavour, as well as his memory would serve him, thus called upon on the instant, to give a distinct confutation of each head of objection which the right honourable gentleman had stated in his speech, leaving the rest of the Report to a future discussion.

The Committee had charged the Directors with omitting to bring 172,000l. to the debit of their estimate for interest of the duties to be postponed, which by act of Parliament was payable at six per cent. and had been paid at that rate in former instances stated in their Appendix. He replied, that those instances were before the time that the State became partner with the Company, by taking three-

fourth parts of their income, after payment of their eight per cent. dividend, and therefore, that the precedent did not apply, nor was the equity of the cafe any longer the fame. That the charge would, to the extent of three-fourth parts, now be nugatory, feeing that it would, by juft fo much, leffen the fum to come to the Public, under the participation; and that if any thing was due, the fum was much exaggerated, feeing that the act authorifing a claim of fix per cent. intereft for duties in arrear, not from the India Company alone, but from every body elfe, was paffed, when the legal intereft of the kingdom was at fix per cent. which having, by a fubfequent act, been reduced to five, the Company, in paying fix fince, had paid it in their own wrong; alfo, that the computation was made on larger fums of poftponement than could be required to be poftponed; and that, upon the whole of thefe and other circumftances, the Directors were juftifiable in expecting, that no fuch intereft ought to be demanded. That they were alfo charged with having omitted to charge their eftimate with 385,000l. for infurance of their expected imports, at the peace premium of four per cent. To this he replied, that as the Company never infured, they could have no fuch payment to make, and, therefore, could not, without grofs impropriety, have made any fuch charge in a cafh eftimate; but that it was not true that they had omitted it. They had plainly and clearly ftated it in their Report, in the light in which alone it ought to be confidered, as a deduction to an amount that could not be afcertained from the ftock of goods to remain unfold at the end of the period of their eftimate, and that upon an average of twenty years, the loffes had not amounted to four per cent. but only to two one tenth; and the furplus of goods was fo great, as to leave no room to apprehend that fuch loffes could ever extend to the difappointment of their fales.

He obferved, that throughout the Report, it was in a vaft variety of fhapes fuggefted, that bills had appeared to a great amount, which were not provided for by the Directors' eftimate; and that whether the Committee meant, in exprefs terms, to make that affertion or not, they had fo treated the fubject, as to convey that idea to the reader; he would, however, once for all, anfwer all thofe infinuations to the Houfe — There did not, he faid, exift, nor was likely to exift, as far as the Directors knew, a fingle bill

bill not provided for by the estimate, save and except a chance, but he did not think a certainty, that fifty lacks of rupees might be drawn for next year from Bengal; of which transaction the advice had arrived since the date of the Directors' last Report; and, except that, a sum which had been stated in their last Report, as expected to be drawn from Bombay, and of which the amount could not then be known, was now known to amount to 42,000l. That great doubt was thrown upon the sales producing the sum of 3,300,000l. annually, at which he professed his astonishment; since, even gentlemen of experience in the Company's affairs, who had taken a part against the Company in politics, had, he believed, uniformly concurred in opinion, that no doubt could be entertained on that head. That it was certain, they should have a vast surplus of goods imported this summer; that Europe was bare of them; that the quality was unquestionably of late years much improved, and foreigners gave us a preference they had not heretofore done; that the very transaction of fifty lacks, of which the advice was recently received, as above mentioned, went to the depriving foreign markets of goods to that value, which must increase the demand at our sales, and particularly, that the deficiency stated as likely to arise in Bengal raw silk, which, on an average of former periods, had contributed 240,000l. a year to the sales reckoned upon, and of which, it was stated in the Report, that only the value of fifteen lacks was to be imported this season, was totally false; for that, besides those fifteen lacks, there was the value of thirty-three lacks on board four ships arrived, or on the voyage, and about five lacks more of an old stock, besides an unknown proportion of thirty lacks laid out in raw silk and silk piece-goods, but not explained how much in each; and, consequently, that so far from a deficiency, there was already a clear supply for the whole period more than equal to the former average.

He next observed, that the Directors were charged with having left out the sum of 100,000l. due to the Public by act of Parliament, which they ought to charge to the debit of their estimate with six years interest — He replied, that they had in their First Report avowed their demand to set against it a much larger sum, which, since the passing that act, a Committee of the House of Commons had recognized to be justly due to the Company from the Public, and which he had never been able to discover any reason

for withholding payment of, but that of the lion in dividing the prey. That he trusted the House would see it right to take the matter into consideration, and do justice—That the Company would never be found tenaciously persevering against the sense of Parliament; but it was the duty of the Directors to bring forward and defend their just rights till such decision. It was farther observed, that great doubt was expressed whether the Company's bonds in England could be kept in circulation to the amount of 2,000,000l. as allowed by law, especially as the plan of the Directors went upon an estimate of decreasing payments, and increasing receipts. He replied, that he had ever thought, decreasing payments and increasing receipts the very foundation of credit. That if the Committee supposed the Company's payments to their tradesmen was the only means of re-issuing the bonds paid in as cash at the sales, it was a great mistake. There were many other ways, in which they could be sent to market, when it could take them off; and that they knew little of the nature of circulating credit, who supposed that they could be kept in circulation by any mode of forcing them out till it did. That there was every reason to suppose, the unfunded debt of the nation, the enormous amount of which alone created the difficulty, would soon be reduced. That the Company had as yet sustained no loss or inconvenience by their bonds being paid in; and that if it should become an inconvenience before the unfunded debt was reduced, gentlemen should not forget that there was a bank in this country, and wealthy bankers, to whom the Company might, in case of need, with great propriety, apply for a temporary loan, on such security as India bonds, till the natural circulation of them should come round. That in answer to an argument drawn by the Directors, from their so soon extricating themselves from the embarrassment they were in about the year 1773, the Committee had stated, that they had then more goods in their warehouses than now, by about 2,600,000l. in value; but that, on the other hand, it was true, that their floating and expected property in the present year was much greater than in 1773. On this he observed, that it might have tended to give the House a more just idea of the matter if they had gone on to state, that the expected importation exceeds the former by about 5,200,000l. being double the difference on which, to the discredit of the Directors' argument, they had animadverted.

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That it was asserted, that the Directors had made no provision in their estimate for the expences at Bencoolen, after the first year, which would bring an additional charge of 125,000l. upon the estimate. To this he replied, that they had made provision for it, and in the only way in which it could or ought to be estimated, viz. as a charge on the revenues in India, where they had expressly stated it in their First Report. That it was asserted, that certain treasury orders in Bengal, amounting to fty lacks of rupees, must be added to the amount of the debt in Bengal. This assertion, he said, was, no doubt, a flat contradiction to the Directors' Report, but that, fortunately, it was in its turn flatly contradicted by the very evidence adduced by the Committee in one of their Appendixes, by which it appears indispensably that provision is made for their discharge within the current year. That the Company's right to certain goods taken in the Dutch factories was objected to, on the score of claims made upon it by the immediate captors. To this he replied, that the claims had been justly treated by the government of Bengal as frivolous, and extending no farther than the Company's liberality might dictate, and that at any rate the payment, if any, would be a payment in India, and the goods were unquestionably on their way to England.

The claims stated against the Company for victualling His Majesty's fleet were perfectly unintelligible, as the law and the information of facts now stood; nor was it possible to form any judgement what sum was really due, either on this account, or on account of the pay of the army; but that both, when ascertained, must, by law, be paid in India, not in England, and must fall under the general unliquidated demands on the Company's property there, not of a commercial nature, and on the future revenues, and that they were so statedin the Directors' Report. That in answer to the ideas thrown out from all sides of the House, that the bills now under discussion were improperly drawn from India, and arose from the vicious system of conduct in that respect, he must beg leave to say, that no such thing was truth — The bills were all drawn for the purchase of cargoes for Europe, and for that purpose only — The war had consumed those resources, which, in common times, had afforded a fund for such purposes, and the cargoes could not, by any human means, be provided, without drawing the bills; the one was of sufficient value to pay the other; and

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he observed, that taking the goods, the House was now gravely debating whether they would allow the Company to accept the bills. On this head he appealed to the justice of the House, and represented the extreme injury to individuals and the Company's credit, which arose from keeping the bills above a twelvemonth without any answer, whether they were to be accepted at all or not: and observed, that this was a much greater hardship to the holders than giving the additional interest and accepting the bills offered. He likewise observed on the mischievous tendency of these representations to create bad impressions on the minds of the bill-holders. He defended the Directors from the imputation of negligence, in not having yet sent out a system of reduction of all the establishments in India, and enforced it by positive orders; and defended the servants abroad from the imputation of systematical disobedience of orders; and appealed to the candour of the House, whether it were possible for the Directors to take up such arrangements to any effect, while their affairs in Parliament remained unsettled: but he said, that he did with confidence maintain, that proper retrenchments would be made, because he knew enough of the sentiments of his colleagues in the direction, to take upon him to say, that they should be made, as soon as the Directors could to any purpose take them up. He ended with an exhortation to the House, to lose no time in freeing the Company from the restraints imposed upon it, and to treat its affairs with that liberal justice which the important advantages derived to the State through the medium of its institution and commerce, so well deserved.

Mr. Fox. Mr. *Fox* observed, that he was astonished to find that the Report of the Committee had this day been combated: he had fondly imagined, that a Report which had been unanimously agreed to by a Committee, the majority of which supported the present Administration, and had differed from him in every question he had proposed relative to India, would not have been combated this day; he imagined it would have been admitted on all hands, that the fallacy of that account must be glaring indeed, when a Committee, consisting of persons who agreed scarcely in any one other thing, unanimously concurred in condemning the account laid before the House by the Directors of the East-India Company. He wished for a moment to enquire what that Company was; and as, while he was in office, he faced the

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danger which threatened first, and at last effected his downfal as a Minister: so now, when he had nothing to fear from the Company, it could not be expected that he would hesitate to speak his sentiments freely to that body. Who then were the East-India Company? Not the Directors, for they were avowedly only a representative body. Not the governors and officers abroad, for they were the servants of the Company. Not the Court of Proprietors, for they had, comparatively with the Public, a very small interest in the wealth and property of the Company: their interest went no farther than their dividend, which, at eight per cent. did not exceed 240,000l. a year. This was a small sum, when compared with the interest the Public had in the Company's prosperity; at that moment the Company owed the Public 1,000,000l. and the annual duties paid to the Public on the imports of the Company, were greater than the Company's dividend.

It had been said, that the Company was the conduit-pipe through which the territorial revenues were brought to England on the account of the Public; but in truth and in fact, it might more properly be called the conduit-pipe through which the wealth of the Company's servants was brought home: he called them servants of the Company, in conformity to a mode of speaking which had generally prevailed, though it was well known that they were the masters. and not the servants, of the Company: this must have been the case, or a Governor General would never have dared to disobey the orders of the Court of Directors, and give the audacious reason for his disobedience, that it was because it was their order. It had been said, that orders not only might, but ought, sometimes to be disobeyed; he admitted the truth of the proposition; but he believed that instances of such orders were very rare: but, though a Governor General might disobey an order at one time, there could be no reason to justify him in disobeying it a second time, after his masters had condemned his disobedience in the first instance, and cautioned him not to disobey it a second time. And yet this second injunction had been treated with as much contempt as the first by Mr. Hastings, in the affair of Mr. Bristow; and when at last the Company thought proper to give up the point, he then did, to please himself, the very thing which he had refused to do in consequence of orders from the Directors. Mr. Hastings had a very bad or imperfect recollection of past transactions, as appeared from his letters, where he said he had not drawn on the Company for

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any ſupplies, pleaſing at the ſame time to forget, there were at this moment bills drawn by him, not yet paid by the Company, to the amount of near 5,000,000l. He was as little inclined to give him any credit for great foreſight in his ſpeculations in politics: for though he would have the Public think that peace was as good as concluded, and that Tippoo Saib would never dare to continue the war, he wrote word, that Tippoo had recalled his ambaſſador from Poonah, and was preparing for war. Gentlemen ought not to take it for granted, that, becauſe France was now at peace with us, and had withdrawn her troops from the ſervice of Tippoo Saib, that prince could receive no aſſiſtance from them: he ſhould be ſorry to impute, and he certainly did not mean to impute, to the court of France any intention either to renew the war with us, or to give any underhand aſſiſtance to Tippoo Saib: but ſtill it was poſſible, if it was the intention of that Court, to give aſſiſtance in a thouſand different ways, without appearing to violate the peace; nay, the very circumſtance of a French army being near his dominions, was in itſelf an aſſiſtance. He admitted there might be ſome probability, that Tippoo Saib would not continue a war which, to all appearances, would be contrary to his intereſts: but he bid gentlemen beware how they truſted to gloſſes given to the affairs of a country lying at ſo great a diſtance as India does from this kingdom: before any power in Europe declared for the Americans, people thought it probable, that, perhaps, France might interfere, and take part in the quarrel; but every man in England thought it was impoſſible that Spain ſhould ever enter into that war as an enemy to Great Britain, and conſequently as a friend to the independence of America. Spain, however, did that which every man, unacquainted with the great ſprings which ſet that monarchy in motion, fondly imagined to be impoſſible: why, then, might not Tippoo Saib do what appeared to us improbable that he ſhould do? and which appears improbable, only becauſe we are unacquainted with the diſpoſition of the neighbours of that Prince.

Mr. Fox concluded by expreſſing his anxiety to ſee the new bill for new modelling the Eaſt-India Company. He ſtill thought his own bill the beſt: but he recommended it to the right honourable gentleman to take away the powers of miſmanagement from the Courts of Directors and Proprietors, and from the ſervants abroad. The Company was at preſent a ſink of corruption and iniquity; and, let the right honourable gentleman do what he would with the patronage,

tronage, he would be satisfied, if it was taken from the Company: for his part, he had rather neither the Directors nor the Crown had it; but, if of two evils he must chuse one, he had rather see the patronage at the whole disposal of the Crown, than continued in the hands of those who had always most shamefully abused it. He charged the gentlemen, who had acted as the representatives of Mr. Hastings that day, with having exhibited a passion, which he would not name, but which, he said, was something as unlike modesty as possible.

Mr. Dundas.

Mr. *Dundas* said, he would not have risen at that late hour of the night, had he not been so particularly called upon and alluded to by different gentlemen in the course of the debate; but though he, for that reason, thought it necessary to rise, he did not mean to go into a discussion of the several subjects that had been touched upon, to any great extent. He said, his chief view in rising was to endeavour, at least, to bring the minds of gentlemen back to the question, which simply was, Whether relief should be given to the East-India Company, as far as regarded the situation of their affairs here at home? This question, he conceived, rested entirely on grounds more immediately within the general comprehension of the House, than the vast variety of topics that had been stated and discussed, with regard to the situation of the affairs of the Company abroad, the state of their bond debt in Bengal, the probable investments that would be made for some years to come, and how far their claims upon certain renters in the Carnatic were likely to be satisfied. The information the House had before them, and which had not only given occasion to the present question's being moved, but which also formed the sole grounds the House could decide upon, arose out of a petition of the East-India Company, asking a farther respite of duties, and a Report of the Directors of that Company, stating the condition of their affairs, together with a Report of a Committee of that House, alledging certain facts as the result of the investigation they had been employed in conducting. Among the other causes of his having been appealed to in the course of the debate, one had been on account of his having acted as a member of the Committee that made the Report, stating certain comments upon the Report of the East-India Directors. With regard to that circumstance, he had little share, indeed, in the drawing of the Report, which was chiefly formed out of materials collected by others, who with great industry, ability, and judgement,

had made a confiderable progrefs in digefting the account of the facts ftated to the Houfe as the refult of their inveftigation, before he was chofen a member of the Committee. Not that he meant, by faying this, to fhift from off his fhoulders any refponfibility that might be thought to belong to every individual member of that Committee; he meant merely to difclaim any of the merit that the Reports were entitled to; acknowledging, at the fame time, as it had his complete concurrence, he was chargeable in common with the reft of the Committee with its demerit. The materials of the Report, however, having been, for the chief part, collected before he was upon the Committee, the beft way of dischargeing his duty he felt to be, by comparing the facts felected to be reported, with the information and the evidence whence thofe facts had been adduced; and, upon finding that the one fully bore out the other, he had joined in opinion with the reft of the Committee, that thofe facts were fit to be reported. The Committee, Mr. Dundas faid, had been unanimous in confining themfelves to facts folely, and in not annexing opinions upon thofe facts; this they had been induced to agree to, from its being evident, that upon the fame facts there might be different opinions; and, therefore, to have gone into opinion would have led to endlefs controverfy. Having thus explained what the Committee had limited themfelves to in preparing the Report, he faid he held himfelf as free, in confequence of what he had mentioned, to difcufs the facts ftated in the Report of the Committee, and to reafon upon them, as any gentleman who had not been of the Committee. He then entered into a confideration of feveral of the remarks and animadverfions upon the Report, made by Mr. Atkinfon, admitting the propriety of fome, and denying that others were founded. After going through this difcuffion, he faid the fhort queftion was, Were the Houfe willing, in confideration of what they knew of the ftate of the Eaft-India Company's affairs, to afford the Company that relief neceffary to the carrying on of their trade; or were they, from an idea, that the Company's affairs were in an unpromifing condition, ready then to clap hands on the goods in their warehoufes, and to recover the money due to the Public for duties, by an immediate fale of fuch of the property of the Company as was then capable of being attached? For one, he declared, he had not the fmalleft difficulty in faying, he was not ready to give his confent to any fuch attachment; but he was, on the contrary, perfectly ready to join in affording the Company

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pany the relief the exigency of their affairs at home prayed for. He entered into an explanation of the nature of the relief that the Company had petitioned for, and ſhewed the reaſonableneſs of the requiſition on the part of the Company, and the ſafety with which that requiſition might be complied with on the part of the Public. The reſpite of duties was all that was aſked; and as a ſecurity for that reſpite, the Public would have the ſatisfaction of being certain, that the Company's warehouſes were ſo full of goods, as to contain a ſufficient quantity to furniſh an annual ſale, to full the uſual amount of the Company's ſales for three years to come; and a proſpect, ſcarcely liable to failure, that thoſe warehouſes would be fed with a ſupply of goods from India, fully equal to the continuance of the Company's ſales, for three years longer than the three years immediately commencing. Add to this, that the ſatisfaction would have ſo much ſolidity in it, that the goods of the Company in their warehouſes would, during the whole ſix years, be liable to attachment at the ſuit of the Public, at any time that the Public ſhould think their ſafety, as creditors of the Company, required ſuch a proceeding.

Mr. Dundas having thus ſtated the caſe between the Public and the Company. went into a diſcuſſion of the principal reaſonings that had been held in the courſe of the day, on the ſtate of the Company's affairs, and the probable chance, ſhould peace continue, of their emerging ſpeedily from debt, and growing rapidly into wealth.

In the progreſs of this diſcuſſion, he replied to ſeveral of the arguments of Mr. Francis, Mr. Scott, and Mr. Fox, and anſwered the appeal that had been made to him, relative to the opinions he had formerly delivered on the ſubject of Mr. Haſtings' conduct, in very manly and direct terms. He obſerved, that he had been charged, on the one hand, with not having carried the declarations of his opinion upon the conduct of Mr. Haſtings far enough; and on the other, with having puſhed them too far. This was, he ſaid, preciſely the ſituation he ſhould be moſt ardently deſirous of ſtanding in with regard to Mr. Haſtings, viz. between the two extremes; and to be conſidered as neither a harſh cenſor of that gentleman, nor as too enthuſiaſtic an eulogiſt. His opinion of Mr. Haſtings at that moment was exactly what it ever had been. He acquitted Mr. Haſtings moſt decidedly of having cauſed the Marattah war; but he thought Mr. Haſtings to blame for not having put an end to that war ſooner, by means of the treaty of Poorunda. While he

so much blame on the conduct of Mr. Hastings, it was a debt of justice that he should declare, when the Carnatic was invaded, Mr. Hastings proved himself a man of resources, a man of a vigorous mind, and an able chieftain, by the exertions he made for the relief of Fort St. George. It ought to be remembered that at the moment when the Carnatic was so unexpectedly invaded, had not the ill conduct of Hyder Ally, his timidity, or want of confidence in his army, or some unknown cause or other, prevented his marching his troops up to the walls of Fort St. George, Madras must have fallen. At that critical period, when the other Members of the Supreme Council at Bengal met again and again, and parted in despair, without resolving on any measure whatever, Mr. Hastings alone determined on a vigorous effort to retrieve the desperate affairs of the Company in India; and there was not a doubt, but by spiritedly carrying the bold enterprise he determined on, by his famous minute of council, into speedy effect, he saved Madras. Mr. Hastings also, Mr. Dundas said, had all the merit he assumed in his letter of the 16th of December last, of having, on many critical occasions, supported the other Presidencies by a prompt and liberal relief. Having said this, Mr. Dundas recurred to other topics. Before he concluded, he took notice of what Mr. Fox had said, relative to the bill intended to be brought in for the regulation of the government of India. He said, it would not be similar to that brought in by the right honourable gentleman himself before Christmas; but would be a bill, giving energy to the laws already in being, and obliging Government to act upon those laws, and to act upon them with vigour, instead of letting them remain tied up as musty rolls of Parliament, perfectly useless upon the shelves of the office of the Secretary of State.

Sir Gregory Page Turner.

Sir *Gregory Page Turner* declared the credit of the country at large, and the credit of the East-India Company, were nearly related; that the latter was cousin-germain to the former, and that both ought to be supported: he hoped, therefore, the House would grant the relief required by the Company. He said, he should support the Bill Mr. Pitt should bring in for the regulation of the government of the East-India Company's affairs, because he declared he had confidence in the right honourable gentleman, and was thence persuaded the bill would be a good one. He apologised

apologised to the House for having taken up a moment of their time.

Mr. *Dempster* said, he had been perfectly astonished at the declaration, relative to the Report of the Committee, of which he had been an unworthy member, that had been made by an honourable gentleman, who, though he had spoken with great ingenuity, had, in his judgement, expressed more plausibility than argument. The honourable gentleman had declared, that there was no one part of the Report that was not founded in error, and that he would prove it. This promise, however, the honourable gentleman had not kept: and he was not surprised at it; for a Report framed with more pains, or drawn up in a greater stile of candour, he believed had never been laid upon the table of the house. Every thing that was fair and liberal had marked the conduct of the Committee. They had endeavoured to hold a consultation with some of the Directors, and to learn from them, whether the facts that the Report proceeded upon, were as they understood them or not: but this plan had been prevented by those Directors insisting on having the questions the Committee wished to ask them, stated in writing, and then refusing to answer them, till they had carried them to the other Directors, and taken the opinion of those who formed the Directors' Report of the state of their affairs. This, the House would see could not be complied with, because it would have led to such a length, and cost so much time, that no Report could have been completed, so as to have been presented that session. Mr. Dempster said farther, that when the Committee were intent on the most important part of their duty, he had been called away to attend an Election Committee. He had no claim, therefore, to the praise due to the framers of the Report; but he was persuaded, they had great claim to the applause of the House and of the country. He reminded the House, that his friend, Mr. Fox, did not mean to refuse the East-India Company the relief they stood in need of, he only wished that the regulation of the government of the Company's affairs might precede the relief. That request was certainly reasonable. There was one circumstance, Mr. Dempster said, that had fallen from his right honourable friend, with which he differed; and he was sure beforehand, that when he did differ from his right honourable friend, he must be in the wrong. The circumstance he alluded to, he said, was,

Mr. Dempster.

Mr.

Mr. Fox's expressing a wish, that the East-India Company was in the hands of Government. He begged leave to deprecate that idea. Rather than see the East-India Company's affairs in the hands of Government, or, in other words, in the hands of the Crown, he wished it to continue where it now was. Much rather should he see it ever so egregiously mismanaged by the Court of Directors, than ever so well managed by the Crown. The moment the Crown got it into its hands, there was, from that moment, an end of the liberties of this country Perhaps, after all, the idea he had formerly suggested respecting India would be found to be the most reasonable and the most advantageous. Abandon all thoughts of adapting any government to it. Give up the sovereignty, and let it remain an independent state, connected with us by ties of commerce — Such a connection would prove infinitely advantageous to Great Britain; while all projects of a British government applied to India were utterly impossible to be carried into effect. It was impracticable for this country, at so great a distance from India, to govern it with any advantage, either to the natives or to the benefit of Great Britain — We might talk of our feelings for the natives of India, of our humanity towards them, and our affection for them, and our tender regard for their interests. Those assertions would be found to be mere words and empty air. It was not in human nature to carry the theory into practice.

At length the question was put for leave to bring in the bill, and agreed to.

July 5.

Mr. Eden. On the second reading of the smuggling bill, Mr. *Eden* said, that he had some objections to parts of this bill, which, involving considerations of some difficulty, and at the same time of some importance, ought in candour to be stated in the present stage of the proceeding, that the law officers of the Crown might give them a due attention — He had great doubts as to the propriety, and, indeed, as to the meaning of the words, which extend the powers of search and seizure, " over the four seas;" he had asked, both of lawyers and of seamen some explanation of those words, and had not found any two men who concurred in their opinions respecting them; some extending their import into the Atlantic on the one hand, and to the North Pole on the other, and all concurring to give, even in the most

most limited sense, such an extent as would be attended with many embarrassments of a very serious nature. He had another objection, which, he hoped, was only a mistake in drawing the bill; but there was a clause which expressly gave a right to seize and examine all vessels of any nation in time of peace, within the aforesaid indefinite description of the four seas — He objected also to the clause which gave a power of confiscation to one justice, on the oath of one witness; and to that which exempts from the provisions of the act, all vessels coming from America or Africa, and yet does not mention the East-India vessels — He also objected to the impropriety of subjecting trading vessels to expensive licences from the Admiralty (to which Mr. Pitt seemed strongly to assent) He stated other minuter objections, but wished that the more material ones might be considered previous to the commitment.

Mr. *Wilberforce* objected strongly to the subjecting vessels to forfeiture, because they might be found to have tea or spirits aboard, though contrary to the knowledge of the owners or officers. Mr. Wilberforce.

Mr. *Attorney General* assured him, that the clause of which he complained would not have any bad effect. The Attorney General.

Mr. Stanhope supported Mr. Wilberforce's objecton.

Bill committed for Friday.

July 6.

Major *Scott* observed, that in looking over the Appendix to the Report of the Select Committee, he expected to find an account of the supplies sent from Bengal to Madras and Bombay during the war; but as the account was not included, he would move for permission to bring it forward, for two reasons: the one, because it would appear that above 7,290,000l. had been sent for the support of the war, from Bengal, in five years: the other, that it would tend to convince gentlemen, how capable Bengal was of paying off its present incumbrances, and assisting the country if we enjoyed a few years peace; for the Major observed, it was a fact which did not admit of dispute, that the revenues of Bengal and its investments had been considerably improved during the war. Major Scott then added, that perhaps what he was going to say was not strictly regular, but it had been mentioned by a right honourable gentleman, not then in his place, in the last debate, that Maj. Scott.

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though gentlemen of a certain description in the House might not be remarkable for abilities, they certainly were formidable from their numbers. The first observation he would not presume to dispute: the second he would deny, by an appeal to facts; for though this afserion had been repeated in all the newspapers, in pamphlets, and in one in particular, lately published, intitled, A Representation to His Majesty, he could assure the House, that from a strict examination of the lists of the late and present Parliament, he found that there were fewer of those gentlemen who compose the India members, as they are called, by two in this Parliament than in the last, at the commencement of the session, as appeared from an accurate list which he then held in his hand*.

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* The paper referred to was as follows:

A list of India Directors, Captains of Indiamen, Ships Husbands, in the late and present Parliament.

LATE.	PRESENT.
Richard Barwell,	Richard Barwell,
Thomas Farrer,	Thamas Farrer,
Sir Henry Fletcher,	Sir Henry Fletcher,
Hon. E. Monckton.	Hon. E. Moncton,
Sir Hector Munro,	Sir Hector Munro,
Sir Robert Palk,	Sir Robert Palk,
John Peachey,	John Peachey,
C. W. B. Rous,	C. W. B Rous,
Sir Thomas Rumbold,	Sir Thomas Rumbold,
Sir Francis Sykes,	Sir Francis Sykes,
John Webb,	John Webb,
N. W. Wraxall,	N. W. Wraxall,
H. J. Strachey,	H. J. Strachey,
Paul Benfield,	James Amyatt,
Robert Gregory,	John Call,
T Bates Rous,	Philip Francis,
Captain Rumbold,	John Hunter,
General Smith,	Robert Preston,
J. M. Smith,	John Scott,
George Strattan,	Nathaniel Smith,
S. Durand,	George Vansittart,
Sir Richard Hotham,	D. Walkinton,
John Macpherson,	Eward Cotsford,
George Graham,	L. Darell,
Stephen Lushington,	John Grant,
Jacob Wilkinson,	W. Devaynes,

George

Two gentlemen had been elected lately, and sat one on each side of the House; and at this moment there were precisely the same number of gentlemen who had served the East-India Company in any capacity at home or abroad, in this Parliament as there was in the last.

Mr. Eden.

Mr. *Eden* did not rise to oppose the wishes of the honourable member: if those people who had been in India, and on their return home had been elected members of the House of Commons, were the gentlemen, and no others, whom he nominated India members, his position, under such restrictions might be admitted: but there were surely other persons intimately connected with the India Company, who did not belong to that description — Would it be believed in the country, that those whom the honourable gentleman had included in the list, were all who were influenced by the East-India Company? It was surely a delicate matter to talk about; but gentlemen had not shut their eyes at the late election. They had observed the movements of the Company, and they knew that there were a good many gentlemen, who, though they had never been in India, and were not by profession connected with the Company, supposed to be friendly in their sentiments, and inclined to serve them. This was a matter which he was by no means disposed to inquire into; and he should not have risen to say a syllable on the matter, if the honourable gentleman had not thought it necessary to answer the rumours by the statement he had given — If, therefore, the honourable member thought the paper he held in his hand decisive on the point, as essential to his own convictions and those of the House, he would not oppose its being laid upon the table.

Major Scott,

Major *Scott* rose to answer him, and said, it was impossible for the gentlemen of India to reply to positions

George Johnstone,		Richard Atkinson,	
John Townson,		Francis Baring,	
Samuel Smith, jun.		Paul Le Mesurier,	
Sir William James.	30	Samuel Smith, jun.	30

Lord Clive and his friends are not included in this list, nor Mr. Townson, who is out of the direction by rotation; however, they are noted by the Major, though in his opinion, they could not be said to belong to what is called the India interest in Parliament.

so vague and loose as those now thrown out; they could meet, and they were ready to meet, facts; and he defied the most strenuous man in opposition to contradict the statement he had given.

The Speaker interfered, and said, the whole of the conversation was very irregular; and begged that gentlemen would not carry it farther.

The matter dropt here.

END OF THE FIFTEENTH VOLUME.